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POLITICAL SCIENCE QUARTERLY

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PROGRAM

First Session, 9:45 AM

Problems at Home

1. The Succession to Khrushchev in Perspective
   Henry L. Roberts, Professor of History and Director, Institute on East-Central Europe, Columbia University
2. The Soviet Economy: New Expedients and Persistent Problems
   Thad P. Alton, Director, Research Project on National Income in East-Central Europe, Columbia University
3. The Old and the New in Soviet Literature
   Patricia Blake, Author, Research Associate, Russian Institute, Columbia University

Second Session, 2:15 PM

Problems Abroad

1. The Communist World in a New Phase
   Zbigniew Brzezinski, Professor of Government and Director, Research Institute on Communist Affairs, Columbia University
2. Communist Policy and the Struggle for Developing Countries
   Donald Zagoria, Senior Fellow, Research Institute on Communist Affairs, Columbia University
3. The Soviet and the West: A European View
   Richard A. Lowenthal, Professor of International Relations, Free University of Berlin and Visiting Professor, Department of Public Law and Government, Columbia University

Evening Address by

THE HONORABLE W. AVERELL HARRIMAN
Ambassador at Large,
United States Department of State

Members and friends of the Academy who wish to attend the meeting should notify the Academy office by returning the card enclosed inside the back cover.

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Volume LXXX *March 1965* *Number 1*

POLITICAL SCIENCE QUARTERLY

SINO-AMERICAN RELATIONS AND THE FUTURE OF FORMOSA

CHINA'S world power position was substantially altered in 1964 by two developments, the French recognition of January and the explosion of a Chinese nuclear device in October. The United States has been unable to react effectively to either event; its China policy is fettered to the future of Formosa.

When France recognized the Peking regime on January 27, 1964, the State Department formally stood on its established principles: "The United States will stand firmly by its commitments to the government of the Republic of China [the Nationalist regime on Formosa] as well as all other countries in our common endeavor to prevent and deter aggression and to promote the interests of peace." The French recognition was admittedly something that the United States had fought hard to prevent. The State Department in that same communiqué said that the U. S. government had "repeatedly" voiced to Paris its reasons for believing the recognition to be "an unfortunate step." President Charles de Gaulle had gone ahead regardless, and in April France and China formally appointed their respective ambassadors. As regards the explosion on the rim of the Taklamakan Desert, the State Department showed itself able to anticipate the event, but that is all; the intelligence seemingly led to no alteration of our standing China policy.

The French action opened a new chapter in the history of Peking's relations with the rest of the world. The step could hardly be deemed hasty; the Communists by then had already ruled the mainland nearly three-quarters as long as had the Nationalists before them. Up to the time Paris acted,

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some fifty states had recognized Communist China, and forty-two had established diplomatic relations with it. Five more states extended recognition in the course of the year. Other nations can be expected to follow in acknowledging that it is not desirable, in today's world, to ignore indefinitely the existence of a nation comprising one quarter of the population of the globe.

The 1964 developments will probably lead within the foreseeable future to a change in China's representation in the United Nations. The UN General Assembly vote in 1963 in favor of replacing Taipei's delegation by Peking's was forty-one to fifty-seven, with twelve countries abstaining and one absent. It seems certain that the newly recognizing states, and perhaps some others, will cast their votes for Peking in the present UNGA session. "Authoritative" American sources are quoted as believing that Communist China will not be seated this time. Perhaps not. But China's entry into the nuclear club patently has led many capitals to conclude that Peking should participate in the UN disarmament discussions—and Peking has said that it will not do so until it is regularly seated in the United Nations. It is consequently generally anticipated that Peking will take over China's UN seat no later than next fall.

This would leave the majority of the world community in one position—and the United States and Formosa in another. One might think, even so, that Washington and Taipei would still see eye-to-eye in their adamant opposition to dealings with the "enemy" Peking regime. But one ally is American, and the other is Chinese. Where Washington publicly prayed that Taipei would not break off relations with France after the act of recognition, so that the foundation for a two-Chinas position might be laid, the Nationalists on February 10 took the fateful step. The great change triggered by President de Gaulle's action is inexorably in course. In these circumstances, it is time to look again at the American-Nationalist relationship—and at the future of Formosa.

I

The U. S. government has upon occasion gone to some pains to suggest that its China policy is flexible. On December 13, 1963, the then Assistant Secretary of State for Far

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Eastern Affairs, Roger Hilsman, speaking in San Francisco on "United States Policy Toward Communist China," seemed at first glance to relax somewhat the previous rigidity of the American foreign policy stance in East Asia. He asserted that the United States did not ignore "the Communist leadership which has established itself on the mainland," and evoked a ghost from the not distant past in the observation that "we pursue towards Communist China a policy of the open door." [1]

But it was to be noted immediately that the Assistant Secretary had put the Open Door in reverse; where the traditional American Open Door policy called for the fullest freedom of access to China's shores for American diplomats, merchants, evangelists, and even casual travelers, the present phrasing means simply that "we are determined to keep the door open to the possibility of change." Inferentially, a reformed and penitent China might return to grace by that door.

And Mr. Hilsman made a specific stipulation:

> We fully honor our close and friendly ties with the people of the Republic of China on Taiwan, and with their Government. . . . So long as Peking insists on the destruction of this relationship as the sine qua non for any basic improvement in relations between ourselves and Communist China, there can be no prospect for such an improvement.

That official "restatement" of our China policy thus left the basic elements of the policy unchanged. This was effectively confirmed by Secretary of State Dean Rusk when, a fortnight later, he peered ahead into the murk of 1964. He said that Washington foresaw no reversal of Peking's policy of hostility, or any let-up in its movement toward world domination. He continued:

> In our contacts with Peiping in Warsaw, we have seen no modification of their attitude or policy. They are insisting that we must surrender Formosa. It's not up to us. But in any event we won't surrender Formosa. We can't surrender ten or eleven million people against their will to these people on the mainland.[2]

[1] New York *Times*, December 14, 1963.

[2] New York *Herald Tribune*, December 29, 1963.

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The inflexibility of the official American position was demonstrated when Peking, after exploding its nuclear device, proposed a world conference to discuss "the question of the complete prohibition and thorough destruction of nuclear weapons." The Washington administration's first reaction to the Chinese proposal was to term it a "sucker" proposition in which it had no interest; and after UN Secretary General U Thant himself suggested that the five nuclear powers meet in conference our envoy to the United Nations, Ambassador Adlai Stevenson, said that China should first sign the nuclear test-ban treaty—"after which there would be a better chance for the signatories to get together." [3] Since the American proposal was no more likely of realization than the Chinese, the cause of amity between the two countries had clearly not been advanced.

As both Messrs. Hilsman and Rusk admitted all too plainly, Washington's China policy has to be viewed in the light of the American relationship to the Chiang Kai-shek regime on Formosa. The American policy toward China and Formosa alike was finally crystallized into a complex stubborn mold, beyond possibility of modification by anything less than a major political effort, in the Formosa Strait crises of 1955 and 1958. A review of those earlier developments therefore helps clarify the present situation.

II

By his Executive Order of June 27, 1950, deploying the U. S. Seventh Fleet in the Formosa Strait incidental to the outbreak of the Korean War, President Truman effectively neutralized Formosa and the Pescadores. By "unleashing" Chiang Kai-shek with his State of the Union message of February 2, 1953, President Eisenhower put that cold war sector back into play. Then, after the Chinese Communists in September 1954 had begun attacks against the offshore island of Quemoy, the United States on December 2, 1954, signed a treaty of mutual defense with the Nationalists, as the Government of the Republic of China; next, in January 1955, as the situation worsened, the Congress passed a joint resolution, duly signed by President Eisenhower into law,

[3] New York *Times*, October 17 and 24, 1964; *Christian Science Monitor*, October 26, 1964.

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giving the American president authority to employ the U. S. armed forces at his discretion for the protection of Formosa and the Pescadores. In the agitation of those days, the Senate approved the treaty of alliance with scarcely a pretense of debate. Chiang Kai-shek had been "releashed" to the American will in connection with signature of the treaty, but now war between *the United States* and China seemed a distinct possibility.[4]

The war scare passed, but the matter of the implementation of the treaty remained. The treaty provisions covered only Formosa and the Pescadores. In testifying before the Senate Foreign Relations Committee on February 7, prior to ratification of the treaty, Secretary of State John Foster Dulles had voiced an assurance: "It is our view that an agreement to extend the coverage of the China Defense Treaty to additional territories would in practical terms amount to an amendment of the treaty and should be submitted to the Senate for its advice and consent." Later, the biographer of Dulles reported that during congressional debate on the Formosa resolution (and thus, inferentially, during the debate on the treaty proper) "it was not known . . . that Free China's President Chiang Kai-shek received a personal letter from Mr. Eisenhower satisfying him that the United States would help defend Quemoy and Matsu, for that fact has not appeared in print until now." [5]

On the basis of arrangements springing from the Bandung Conference of April, ambassadorial talks between the American and Communist sides began at Geneva in August 1955. Each side had its own agenda, each in essence proposing the surrender of the other. The United States, which had so recently entered into a defensive military alliance with the Nationalists, was found demanding that Peking renounce the use of force in the Formosa Strait; China, on the other hand, insisted that the United States should withdraw its armed forces from the Strait and Formosa. There was naturally no progress toward a resolution of the differences.

[4] For a consideration of the first Formosa Strait crisis, see the writer's "Formosa and the Offshore Islands in American Policy, 1950–55," *Political Science Quarterly*, LXXIV (1959), 517–31.

[5] John Robinson Beal, *John Foster Dulles, A Biography* (New York, 1957), 221.

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Probably none was expected by either side. The Formosa Strait remained open for use as a battleground.

Peace, of a sort, was maintained for three full years. In mid-1956, Peking launched a propaganda offensive designed to achieve direct talks with the Nationalists for Formosa's "peaceful liberation," [6] but made no headway. Chiang Kai-shek still regularly expressed his determination to wrest the Mandate of Heaven back from the hands of Mao Tse-tung. The Sino-American talks at Geneva were broken off in December 1957 when the United States transferred Ambassador U. Alexis Johnson to another post; and the Chinese, holding that the agreement had been for discussion on an ambassadorial level, refused to meet with an official of lesser rank.

In 1958, the year in which China turned to radicalism at home and abroad, there were new, critical developments. On August 9, against the background of a meeting a few days before at Peking of Soviet Premier Nikita S. Khrushchev and Chinese People's Republic Chairman Mao Tse-tung, the U. S. State Department made public a three thousand-word memorandum informing its missions abroad that it barred any change in the American China policy; in passing, it opposed a two-Chinas solution, saying that the National Government "would not accept any diminution of its sovereignty over China"—nor would Peking agree to a two-Chinas solution. On August 25, the Communists hit Quemoy with forty to fifty thousand shells; and from August 28 to September 2, to the accompaniment of continued heavy bombardment, they issued a series of calls on the Nationalist garrison to surrender. The second Formosa Strait crisis had begun.[7]

Again, as in 1955, the United States hurried to the rescue of its Nationalist ally; and, again, alarm and fears of a major war rose throughout the world. Once more, however, the crisis subsided quickly; by the end of October, it was effectively over. The net accounting showed no decisive victory

[6] See *Christian Science Monitor*, June 28 and 29, 1956.

[7] For a Chinese scholar's treatment of this subject, see Tang Tsou, "The Embroilment over Quemoy: Mao, Chiang and Dulles," Institute of International Studies, International Study Paper No. 2 (Salt Lake City, 1959); "Mao's Limited War in the Taiwan Strait," *Orbis*, III (1959), 332–50; and "The Quemoy Imbroglio: Chiang Kai-shek and the United States," *Western Political Quarterly*, XII (1959), 1075–91.

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on either side. The Communists had not succeeded in getting all-out support from their Soviet ally, nor did the Nationalists succeed in embroiling the United States armed forces directly with their mainland foes. It was demonstrated that the Nationalist air force, equipped with American Sidewinder air-to-air missiles, was more than a match for Peking's MIG fighter planes; it was also established that, without the protection of the U. S. Seventh Fleet, the Nationalists were unable to supply their offshore garrisons.

But those were negative factors. Taipei could count some not inconsiderable gains. It had received a substantial increase in American military supplies to enable it to meet the "emergency." And it had obtained a new, overt political commitment from the United States. On October 23, after a three-day discussion in Taipei between Secretary of State Dulles and Generalissimo Chiang Kai-shek, a joint American-Formosan communiqué was issued stating that:

> It is recognized that under the present circumstances the defense of the Quemoys, together with the Matsus, is closely related to the defense of Taiwan [Formosa] and Penghu [the Pescadores]. . . . The Government of the Republic of China considers that the restoration of freedom to its people on the mainland is its sacred mission. It believes . . . that the *principal* means of successfully achieving its mission is the implementation of Dr. Sun Yat-sen's Three People's Principles *and not the use of force.* [emphasis added]

The Nationalists had been shackled by a new commitment limiting their freedom of military action; but they had received in return an American recognition, granted without regard to Dulles' statement of February 7, 1955, before the U. S. Senate, that the defense of the offshore islands and that of Formosa were "closely related." Taipei's strategic aim—the re-establishment of its rule over the mainland—remained in being. It had previously got the United States to take a position of opposition to the two-Chinas concept. Now it had maneuvered Washington into effectively extending the application of the mutual-defense treaty to the offshore islands.

Here it was ably abetted by Peking. Perceiving even as had Taipei the danger of a two-Chinas solution if a Nationalist evacuation of the offshore islands were the final

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result of the imbroglio in the Strait, Peking had moved in a separate but not entirely uncoordinated way to pin the United States down on the offshore islands. After having first magnanimously declared a unilateral cease-fire in the Quemoy sector, the Communists seized upon the excuse offered by the presence of an armed U. S. Navy vessel in a Nationalist convoy of October 19 to announce that they were unilaterally imposing an alternate-day cease-fire for Quemoy beginning November 3. So they followed with the tactic of ceremoniously shelling Quemoy on odd days of the month, obviously with the purpose of denying compliance with the original American dictum that, before there could be disengagement from the offshore islands, there would have to be an effective cease-fire in the Formosa Strait. In the end, the United States was found more firmly committed than before to the defense of Quemoy and Matsu as integral to the defense of Formosa. In that position, the United States was isolated from any possible international support. As conclusively demonstrated in 1958 as in the 1955 crisis, not even our most sympathetic allies were willing to join us in a commitment that included acceptance and support of Chiang Kai-shek's presence on the offshore islands.

China's "Great Leap Forward" of 1958 was followed by the grave economic dislocation and popular distress of 1960–61; intermixed with this was the 1959 uprising in Tibet. But no trumpets sounded on Taipei for the counter-attack. It was only in June 1962, after economic recovery had already made good headway in China, that reports from Formosa indicated that Chiang Kai-shek was planning to launch, at long last, the projected mainland invasion. But at his press conference of June 27, President Kennedy in a prepared statement reiterated the official American position with respect to the offshore islands, and indicated that Washington would hold Chiang Kai-shek to his commitment not to take military action against the mainland without American consent.[8] Chiang's son, Chiang Ching-kuo, in September 1963 made a visit to the United States, but to all indications returned empty-handed. In his heart there could only have been a deeper suspicion of the American staying-power in

[8] New York *Times*, *Christian Science Monitor*, and *Manchester Guardian Weekly*, all of June 28, 1962.

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"the struggle against International Communism," as manifested by Peking. The Chinese are a people so alert to the suggested meaning of forms of conduct that it was more than ordinarily significant that Formosa alone, of America's closest international friends, did not send an important representative to President Kennedy's funeral in November 1963. This was logically to be taken as a manifest expression of Taipei's displeasure with Washington's "passive" policy vis-à-vis the Chinese Communists.

III

An estimate that the alliance with the United States had failed Chiang Kai-shek's purpose of overturning the Communist regime would not automatically lead the Nationalist regime to resign itself to acceptance of the American-made *status quo* and the laying down of its political cards. Reference to certain traditional Chinese practices is instructive in this regard. General Tzu Fan of the kingdom of Ch'u, confronted in 576 B.C. with the alternatives of abiding by a treaty commitment or winning military advantage, set forth a principle highly honored in the observance during the twenty-five centuries that have elapsed down to the present time: "When we can gain the advantage over our enemies, we must advance without consideration of covenants." Time and again in history the Chinese have displayed a Machiavellian disdain of treaty engagements when political advantage or disadvantage was involved. They have moreover made extensive use of the stratagem of the political coup to achieve military ends. As the ancient strategist Sun Tzu put it in his *Art of Warfare,* "Those skilled in war subdue the enemy's army without battle." It was customary to keep known (as well as unknown) agents in the enemy camp, so that political negotiations might the more readily accompany or follow military operations in case it seemed desirable.

Those practices carried over into the Republican period, and in the civil wars of the Nationalist era individual political tacticians, by their covert manipulations behind the scenes, sometimes won bigger victories than various generals on the field of battle. Feng Yü-hsiang in 1924 staged a coup against his superior, Wu P'ei-fu, in a bid for power; but Han Fu-chü betrayed Feng in 1929, and Yü Han-mou forsook the

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southwestern camp for the Nanking side in 1936, in consideration of more concrete rewards. Ho Ch'eng-chün, Huang Fu, and Ch'eng Ch'ien are examples of military men who frequently acted as political go-betweens to achieve, by secret negotiation (involving often the passing of money or other preferment), shifts in alliance, or appeasement of threats for the benefit of the Nationalist regime. And that Chinese governments have upon frequent occasion bargained, bluffed, maneuvered, and shifted in the field of foreign affairs is a matter of equally clear historical record.

The possibilities of this sort that existed with respect to international relations were brought directly to the attention of the U. S. government during the Pacific War, when the Chinese side on various occasions threatened to leave the war and make a separate peace with Japan unless it got what it wanted.[9] Chiang Kai-shek was of course not so obtuse as to renounce a winning proposition. He was on the victorious side when V-J Day came. It was thanks to this circumstance that, on the basis of the tripartite Cairo Declaration of December 1943, China was enabled to acquire *de facto* control over Formosa and the Pescadores.

IV

The Nationalist hold on that island complex did not derive from a legal transfer of title from the defeated power, Japan, but from a military occupation by agreement with the United States. The status of Formosa in international law is different from that of the mainland. The governing political factor is that the Nationalist regime on Formosa is approaching the end of its natural life-span. Generalissimo—and President—Chiang Kai-shek, who has led and dominated the Kuomintang since 1928, will be seventy-eight this year; the lower ranks of the "Nationalist" army, fifteen years after its flight in retreat from the mainland, are now predominantly made up of Formosans who have no urge to "return to the mainland" because they didn't come from there; and the Nationalist overlordship in Formosa has not been ac-

[9] Charles F. Romanus and Riley Sunderland, *United States Army in World War II, China-Burma-India Theater*, Vol. I, *Stilwell's Mission to China*, Dept. of the Army (Washington, D. C., 1953), 168, 170–72, 326; *ibid.*, Vol. II, *Stilwell's Command Problems* (Washington, D. C., 1956), 74–75.

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cepted as legitimate and final by the Formosans, who have never given their mandate to the Kuomintang.

Granted that the non-Nationalist Formosan Chinese might wish to exercise the right of self-determination, and might in such case even opt for autonomy or full independence, they can have no voice in their own destiny so long as the Nationalist regime remains in being. Chiang Kai-shek has never trusted other Chinese to guide the ship of state while he was around; in particular, he has no intention of permitting the Formosans either to have a representative voice in the National Government or to settle by plebiscite the future of Formosa and the Pescadores. He says, even as Mao Tse-tung, that the future of Formosa is already fixed; it is irrevocably a part of China. But the time element makes it requisite that Chiang make his will definitive before the Formosans might inherit the control he now wields.

The very justification for the Nationalists' rule on Formosa is their "expectation" of return to power on the mainland; if the dream fails, the *raison d'être* of the National Government of the Republic of China, now superimposed upon the local government of Formosa, also passes.[10] Chiang Kai-shek will presumably die without having surrendered to his domestic foe, and likewise without having bowed his neck to foreign "imperialists." He looks now to his place in history. But younger and ambitious Nationalists, not stigmatized by Peking as "war criminals" as was the Generalissimo, might more readily find a way to fit in with the new order of things on the mainland at some later date—especially if American policy "fails" them, or the United States "defaults" on payment of the annual subsidy to Formosa. The State Department announced on May 28, 1964, that economic aid to Formosa will end in June 1965. Will the Nationalists hold steadfast if the military aid, too, is terminated—or substantially reduced?

V

Generalissimo Chiang, given his nature, would in any event wish to see the future of his dynasty assured before his death; his desire must be reinforced by an appreciation of

[10] In this general connection, see Tillman Durdin, "Chiang Still Dreams Dreams," New York *Times Magazine*, March 22, 1964.

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the perils time will bring for the Nationalist reign. The Chiang "dynasty" must therefore be taken into account in any consideration of the probable shape of Formosa's future. Chiang's immediate family comprises three persons—Mme. Chiang Kai-shek and the Generalissimo's two sons (by different mothers), Chiang Ching-kuo and Chiang Wei-kuo. For present purposes, consideration can be focused on the most important figure of the trio, Ching-kuo. In 1925, when the Nationalists and Chinese Communists were in close liaison, Chiang Kai-shek sent Ching-kuo to Moscow to study. A short time after arriving in the U.S.S.R., Ching-kuo joined the Komsomol (Communist Youth). After the 1927 break between the Nationalists and Communists, Ching-kuo denounced his father. He remained in the U.S.S.R., and married a Russian girl. He returned to China only in April 1937, that is, only after his father, as one consequence of the "Sian Incident" of December 1936, had agreed to a truce in the civil war against the Communists and a changed policy vis-à-vis Japan. In April 1937, however, although war with Japan was perceptibly drawing nearer, there had not yet been reached a final settlement of the domestic strife. Why did Chiang Ching-kuo return at that juncture? He was summoned to Moscow before his departure. Did he go home with a political mission? We don't know, for the full story of his return remains to be told.[11] But in August, after the outbreak of the Sino-Japanese War, there was signed the Sino-Soviet non-aggression pact that brought Soviet aid to China, and in September a new Nationalist-Communist entente was announced.

Chiang Ching-kuo proved his toughness and ability in the years of war after his return to his homeland, and evidently established himself firmly in the heart of the aging dictator. He acted twice subsequently as Chiang's emissary to Stalin. The first time was in the summer of 1945, in connection with negotiations for a Sino-Soviet treaty for implementation of the Yalta Pact provisions relating to China. Then, during the postwar period, in December 1945, Chiang Kai-shek

[11] For Chiang Ching-kuo's version, purportedly written in his native province of Chekiang in May 1937, but as published with a preface dated Taipei 1963, see his thin (thirty-five page) volume, *My Days in Soviet Russia* (n.p., n.d.).

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again sent his son to Moscow, in response to an invitation from Stalin, to learn what the Soviet dictator might offer.

According to Chiang Ching-kuo's account as contained in his book *Wo-ti Fu-ch'in* (*My Father*), Stalin proposed what was essentially a deal: get American troops out of China, and there might be economic cooperation and Soviet aid; otherwise, it would be hard to settle the problem of Manchuria. By implication, acceptance of those proposals would have meant in addition that there should be no resumption of the civil war against the Chinese Communists. Chiang Kai-shek turned the proposal down, and moreover rejected Stalin's invitation, conveyed at the same time and urgently repeated in May 1946 on the eve of the resumption of the Chinese civil war, to meet with him in some Soviet border region for a conference.[12] In 1948, the loss of Manchuria to the (Communist) People's Liberation Army started the collapse of the Nationalist regime, like a row of dominoes. It is perhaps not too much to say that it was his choice of siding with the United States instead of with the Soviet Union in 1946 that resulted in Chiang Kai-shek's hegira to Formosa.

On Formosa, after the Nationalist defeat on the mainland, Chiang Ching-kuo increasingly extended his authority throughout the army high command and the secret police. He is now deputy secretary general of the National Defense Council, head of the National Salvation Anti-Communist Youth Corps, and a minister without portfolio in the Cabinet. In sum total, he stands in a good position to succeed Chiang Kai-shek as supreme military authority.[13] There is a vice-president, Ch'en Ch'eng. Ch'en is a younger man than Chiang Kai-shek, but not much younger, and he is ailing. He is moreover sufficiently harassed by the struggle for the succession, already in course, to have resigned his concurrent post of Premier in December 1963. Ch'en's occupancy of the vice-presidency does not necessarily assure him the accession to power.

Besides Ch'en Ch'eng, there are other senior Nationalist military men residing on Formosa. Many of them would

[12] For a less detailed and somewhat modified version, see Chiang Kai-shek, *Soviet Russia in China* (New York, 1957), 147–49.

[13] For a description of the power position of Chiang Ching-kuo on Formosa, see Marc Mancall, "Succession and Myth in Taiwan," *Journal of International Affairs*, XVIII (1964), 12–20.

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have it in their hearts to oppose Chiang Ching-kuo. But Chiang Ching-kuo is stronger in terms of organization and determination—and perhaps in his ability to drive a bargain with Peking which would not dishonor his father's name—than the rest of them. That latter trait is probably what his father likes about him. Generalissimo Chiang can trust Ching-kuo not to become a "Han traitor" (as the Chinese term those who sell out their country to aliens, any aliens). Chiang Ching-kuo, like the Generalissimo, certainly has no compunctions about taking American money; but he would never become an "American puppet." It is this circumstance that would lead Peking to conclude that it would be worth dealing with Chiang Ching-kuo. And Ching-kúo, for so long as he is able to *threaten* to make other international arrangements respecting Formosa than those desired by Peking, occupies a powerful bargaining position. A deal thus becomes a distinct possibility.

This situation will persist, however, only so long as the American support continues, and so long as the Nationalist high command structure on Formosa remains intact. The United States is committed by treaty to defend Formosa by force of arms, and consequently cannot reach agreement with Peking, which demands as the price of peace that the United States withdraw its armed forces from Formosa and the Formosa Strait.[14] The life term of the American financial support must be considered in some respects indefinite; but, as I have suggested, the term of dominance of Formosa by the Nationalists can be computed on the basis of the mortality tables. Time has run out for Generalissimo Chiang Kai-shek's generation; a time-limit for the molding of the future of Chiang Ching-kuo's generation is clearly visible on the not distant horizon. It would be only logical if the younger Chiang had already made his plans. Only if he had made *no* effort to provide for his future could the situation be deemed incomprehensible—as being "un-Chinese."

VI

Is there any evidence that the Nationalist regime is plan-

[14] For Premier Chou En-lai's authoritative statement in this regard, see Edgar Snow, "Red China's Leaders Talk Peace—On Their Terms," *Look*, January 31, 1961, 86 ff.

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ning for a future outside the American protectorate? It is noteworthy that, shortly after the June 1962 rebuff suffered by the Nationalists at the hands of the American administration, it was reported in a signed despatch from Singapore that "The Chiang Kai-shek family . . . has reached a secret agreement with China's Communist leaders in Peking." [15] The article, setting forth both the rationale and circumstantial details of negotiations leading up to the reputed arrangement, held that in substance the agreement comprised the following points: (1) neither side to make "any serious attack" on the other during Chiang Kai-shek's lifetime; (2) after Chiang's death, his family to implement an agreement whereby Formosa will formally become an Autonomous Region of Communist China but remain under Kuomintang control; (3) from ten to twenty years later, a referendum to be held to decide whether Formosa should be independent or a part of Communist China; and (4) as soon as possible, the island of Quemoy and the Communist-held port of Amoy on the adjoining mainland to be integrated into a buffer administrative district, with free movement permitted between them.

That agreement, reported the writer, was the result of "seven years of tenuous contact and tentative negotiation" which began shortly after the Bandung Conference (and after the subsidence of the first Formosa Strait crisis). It is perhaps noteworthy that the provisions of the alleged agreement were in the general spirit of, and in general conformity with, peace terms reported by the Hong Kong *Standard* of October 26, *1958* (as the *second* Formosa Strait crisis was subsiding) to have been offered by Peking to the Nationalists.

Corroborative material, some of it admittedly speculative, is discovered in an editorial piece appearing at the end of 1963 in an Indian magazine.[16] Remarking the opposition of both Peking and Taipei to a two-Chinas solution, the editorial held that neither is essentially opposed to a pacific solution, based on recognition of Formosa's (temporary) autonomy. It recorded that in August 1955 the veteran Shao Li-tzu (of the Kuomintang Revolutionary Committee in Pe-

15 Dennis Bloodworth, *The Observer* (London), August 12, 1962.

16 "Peking Takes the Plunge—Dialogue with Formosa," *Link* (New Delhi), December 8, 1963, 29–30.

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king) had written to Chiang Ching-kuo through an intermediary (who had previously worked under Chiang Ching-kuo) in Hong Kong proposing discussions, but had failed to elicit a reply. The magazine's explanation was that there was then a power struggle in course between Ch'en Ch'eng and Chiang Ching-kuo, who "wanted to reach an understanding with Peking which could be utilized in case USA [*sic*] withdrew its protection and backed Chen Cheng as the Generalissimo's successor."

The magazine adduced further relevant circumstances, including publication on July 26, 1962, by the Hong Kong *Cheng Pao,* a Chiang Ching-kuo organ, of a report that Mao Tse-tung had proposed to the Politburo that better terms be offered Formosa, "and the Kuomingtong [*sic*]-Communist Party negotiations be resumed with Gen. Li Tsung-jen, the last 'legal' President of the Kuomintang Government in China who is now in U.S.A. trying to be on good terms with all the parties—Washington, Peking and Taipei." The writer said that one interpretation of the story was that Chiang Ching-kuo planned to recognize Li as the legal president in order to prevent Ch'en Ch'eng from taking power on Chiang Kai-shek's death. Finally, the editorial took note of both the London *Observer* story and the eight points recorded by Edgar Snow [17] as constituting the basis for agreement.

VII

Some of those reports seem traceable to common origins. But an unusual circumstance has gone largely unnoticed; in July 1963 General Li Tsung-jen gave an interview to an Italian newspaperman in which he maintained that he was still the legal president of China. He spoke with praise and at length of the perspicacity and political acumen of Mao Tse-tung. Then, what about Chiang Kai-shek? "'I cannot talk about Chiang,' says the general. 'Chiang has been my commander in chief, I once served under him, it would be absolutely impolite of me to speak evil of him. . . . Personally I like him very much. We are both failures.'" [18]

[17] Edgar Snow, *The Other Side of the River* (New York, 1962), 765–66.

[18] Augusto Marcelli, "Operazione Ciang Kai-scek," *L'Europeo (Milan),* July 14, 1963.

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Marcelli then turned to the question of the succession, describing the situation on Formosa as one in which Chiang Kai-shek has one foot in the grave and the succession should pass naturally to Vice-President Ch'en Ch'eng—or to Chiang Ching-kuo. "While Chen Cheng has remained a staunch Nationalist, Chiang Ching-kuo would like to reach an agreement with Peking as soon as possible." Finally Marcelli pictured a transitional process having a broad resemblance to the agreement sketched earlier in *The Observer*. But, "General Li Tsung-jen says that all this cannot be either confirmed or denied. For the time being."

An editorial carried in February 1964 by the *Wen Wei Pao* of Hong Kong, a Chinese Communist organ, permitted the inference that a final accord was still to be reached.[19] Chiang Ching-kuo, on the occasion of his 1963 visit to the United States, said that it was "in the interests of the free world" to prevent the Chinese Communists from attaining nuclear capacity, that "Every means should be used not only to weaken the Chinese Communist regime, but to overthrow it before it becomes an atomic power." [20] His father Chiang Kai-shek, in view of Peking's recent nuclear explosion, will presumably have experienced renewed hope that the United States might launch a preventive war against the mainland and destroy his domestic enemies. Yet the sum total of the available evidence, if in the main hearsay, would appear to warrant the following tentative conclusions: there have been political exchanges between Peking and Taipei; the Peking offers have become increasingly favorable; those offers are inferentially without time-limit, but either the death of Chiang Kai-shek or change in the composition of the Nationalist Army (similarly through the operation of the time element) would automatically make a difference in that regard; and, there exists no proof that an agreement between Taipei and Peking is actually in being—but the potentialities that exist for such an agreement are clear to the view.

VIII

In law, there patently cannot be two Chinas; at most, there could only have been one China and a Formosa. But when

[19] New York *Times*, February 22, 1964.

[20] New York *Times*, September 12, 1963.

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the Taipei and Peking strategists in 1958 welded the offshore islands to Formosa and the Pescadores they interposed a strong roadblock to any shift in American policy; for they thus barred an approach to the two-Chinas solution. The afore-mentioned *Wen Wei Pao* editorial dwelt again on the theme, in opposition; and Chiang Kai-shek, in a speech the following October, said that Formosa and the mainland China provinces were "like blood in the same vein and [with?] their fate inextricably linked." [21] The American acceptance of the Quemoy-Formosa tie in 1958 served Chiang Kai-shek's ends—but it served Mao Tse-tung's too.

A shift in Peking's foreign policy line tends to facilitate China's progress in the field of foreign relations. Mao Tse-tung in 1949 announced his doctrine of "leaning to one side" —the side of the Soviet Union. In January of last year, coincident with the French recognition, the Peking regime proposed that China should lean in another direction, not indeed toward the United States, but toward "the intermediate zone" comprising not only the newly independent and aspiring nations of Asia, Africa, and Latin America, but Western Europe, Canada, Australia, "and other capitalist countries." By this new doctrine,[22] Peking proposed in effect to form a united front with all countries against the United States; in other words, Mao Tse-tung and his captains now sanction political coexistence with all except the United States—and, perhaps, the Soviet Union.

In practical immediate terms, China's urgent purpose is to obtain from that intermediate zone some replacement for the economic support it lost by reason of its estrangement from the Soviet Union. Since it obviously cannot obtain such material things as passenger planes, machinery, steel cable, and tin plate from Communist parties (however sympathetic) in the intermediate zone, it must approach bourgeois—and capitalistic—governments of such countries as Japan, France, Britain, and West Germany. To be successful in the intermediate zone, China must adopt the manners

21 New York *Times*, October 28, 1964.

22 For the concept in detail, see the editorial "All Anti-U.S. Imperialism Forces in the World, Unite!" *Jen Min Jih Pao* (*People's Daily*, Peking), January 21, 1964; and also Mao Tse-tung's observations on the occasion of his reception at Peking of three visiting Japanese, as reported by Peking Radio, January 27, 1964.

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of the company it would keep. Where it was unable to get Moscow to adopt its behavior patterns, it will hardly be successful with Japan, Canada—or, be it acknowledged, President de Gaulle's France. In the field of foreign trade, business considerations will govern. But regardless of its revolutionary pronunciamentos, China will be able to buy and sell if it *acts* in a manner acceptable to the respectable bourgeois bankers and traders of the world. China has a better chance than before to make friends—or at least acquire new trading partners.

This shift in Peking's foreign policy has a direct significance for the future of Formosa. The world is swinging over to the belief that occupancy of China's seat in the United Nations would perhaps calm Peking, and would surely facilitate the application of international curbs to the more violent (even nuclear) Chinese urges. The big trading countries, noting Peking's new willingness to "coexist" with them, and remarking further China's shift away from trade with the Communist bloc, envisage the clear possibility that they may benefit from the reorientation. The countries now exploring the commercial possibilities offered by China will doubtless give due regard to China's limited capacity to pay, but they will give much less heed to American lectures on the wickedness of trading with "aggressor" China. And as they come closer politically and economically to China, remaining ties to and sympathy with the Nationalists on Formosa will tend progressively to lapse.

IX

Given particularly the critical developments of 1964, then, the U. S. government is now confronted by a categorical imperative to find a way out of the cul-de-sac it entered by allying itself with one Chinese faction against another in 1954. Since that date, it has supported not only the Nationalist military and economic establishments, but the Nationalist dream of returning to power over the Chinese people. From 1958 onward, it has been abundantly clear that the China and Formosa problems can only be solved together; but in the past six years Washington has failed to take one bold firm step in the direction of a solution.

Time is now rapidly running out. The formulation of a

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new integral China-Formosa policy is patently a formidable political task. Former Ambassador George F. Kennan, in a recent article,[23] took note of the attendant difficulties, but held that one approach to the men at Peking is "being careful to hold open to them and their people the possibility of negotiation and accommodation if their ambitions are moderated and their methods change." Mr. Hilsman (now retired from the State Department), in a speech about the same time, said bluntly that the "time has come to increase communications with the Chinese Communists, specifically to increase communications on the subject of arms control."[24] And the New York *Times* has come out editorially to support action *now* aimed at winning a seat for Formosa in the UN General Assembly while ceding the China seats in both the General Assembly and the Security Council to Peking.[25]

A recent limited survey of American public opinion disclosed that twenty-eight per cent of those queried did not know that Communists ruled mainland China, but that of those aware of the existence of the Chinese Communist government a majority favored our discussion of mutual problems with that regime.[26] The new administration at Washington comes to authority with a mandate from the American people adequate to permit its seizing the "China Problem." But the administration is saddled with the legacy of the past, and it must be regarded as at least doubtful whether, even with the most strenuous efforts, it could extricate itself from the tangled web of our China-Formosa policy before being overtaken by events.

It is hardly to be anticipated in existing political circumstances that, without an American initiative, Formosa will alone be able to attain to a state of independence. United States policy-makers a few years back were firmly convinced that there was no possibility of a falling-out between Communist China and the Communist U.S.S.R. Mao Tse-tung now, even as Chiang Kai-shek, has assumed an anti-Soviet stance. Washington today is equally certain that the rulers

[23] "A Fresh Look At Our China Policy," New York *Times Magazine*, November 22, 1964.

[24] New York *Times*, November 19, 1964.

[25] "Ireland's 'Two-China' Plan," New York *Times*, December 15, 1964.

[26] New York *Times*, December 15, 1964.

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in Taipei are staunch anti-Communists, even to the extent of being anti-Chinese. In that final ratiocination lies the crux of an error; the Nationalists are Chinese, too. If events are simply permitted to take their course, it is entirely possible that at some not distant date the United States will see the successors to Chiang Kai-shek on Formosa reach an agreement with their brother Chinese in Peking. For both the Chinese Communists and the Nationalists are determined that Formosa's future shall be linked to that of the mainland —regardless of Washington's wishes.

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FACTIONALISM IN THE NATIONAL SOCIALIST GERMAN WORKERS' PARTY, 1925–26: THE MYTH AND REALITY OF THE "NORTHERN FACTION"

FEW aspects of the history of the German Nazi party have received such scant scholarly attention as the nature of its factional [1] conflicts. Although references to intraparty conflicts may be found in most accounts dealing with the movement, no attempt has yet been made to make factional conflicts the subject of a thorough academic research.

Admittedly, factionalism was only of marginal significance in the history of the Nazi movement and this may well account for the lagging academic interest in the subject. In striking contrast to Socialist and Communist movements where factional conflicts have raised dramatic issues, frequently to the point of splitting these movements, and have been of lasting significance, the history of Nazi factionalism was neither so dramatic nor so enduring in its effects. The several Nazi factions passed out of existence without seriously affecting the course of party history. Factionalism did not split the movement, did not give rise to competing sets of leaders, did not seriously compromise Hitler's leadership and authority at any time, did not raise important questions of theory and, with the exception of 1934, did not result in mass purges.

But the failure of the Nazi factions can hardly justify the lack of academic interest in the subject. Indeed, it is exactly the impotence of the Nazi factions which should have raised some fundamental questions about the nature of factionalism in the movement. How, after all, can this failure be ex-

[1] The term "faction" is used here as a group of individuals joined together to further some particular goal in opposition to other groups belonging to the same association. "Faction" implies a certain degree of permanence resting on some organizational basis which tends to lend it a degree of independence and power as well. Finally, "faction" also tends to involve some basic issue, thereby calling into question the purpose of the group as a whole. This definition serves to distinguish factional conflicts from other kinds of intragroup disagreements which are personal in character and involve issues of no more consequence than the status of a particular individual in the association.

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plained in view of the considerable organizational strength and able leaders that these factions possessed? The Working Association of North and West (the Northern Faction) in 1925–26, the *Kampfverlag* circle in 1926–30, and the Stormtroops (SA) until 1934 represented the most dynamic and powerful segments of the movement, yet when Hitler turned against them they dissolved without a trace. Why did these factions capitulate to Hitler so easily? Why did they not give rise to splinter movements? Why were the leaders of these factions, apparently so popular and powerful, abandoned by their followers at the crucial moment? Why were there no mass purges and why were Hitler's authority and leadership never in serious jeopardy? Why, in short, was the factional experience in the Nazi party so radically different from the factional conflicts in the Socialist and Communist parties?

Answers to these questions presuppose an extensive comparative study, a requirement which cannot be satisfied in an article. The present essay is merely the first step in this direction and constitutes only a part of a more comprehensive study of factionalism. The purpose of this article is partly historical, partly conceptual and comparative. In the first sense, it attempts to fill a neglected aspect of historical research. The character and nature of the Northern Faction has long been the subject of facile and superficial generalizations which have obscured most of the peculiarities of Nazi factionalism. This has been partly due to the lack of available primary source materials on the internal aspects of the Nazi movement in the post-1925 period. The American Historical Association's Berlin Document Center microfilm project has made such material available in this country and has made this study possible.

The second objective of this essay is to suggest hypotheses concerning the pattern of factional behavior in the Nazi party on the basis of this research [2] in the hope that these might yield useful analytical tools for comparative studies. In particular, this essay will suggest a direct relationship between the pattern of intragroup conflicts and the nature of legitimacy operative in the group. The charismatic principle

[2] Although the *Kampfverlag* was the creation of the Northern Faction and also served to perpetuate some of the ideas and aspirations of the northern leaders of 1925–26, it constituted a separate experience in the history of the movement and will be, therefore, excluded from this analysis.

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of legitimacy appears to have had a direct influence on the nature of factionalism in the Nazi party, while the ideological nature of legitimacy in Socialist and Communist movements seems to have influenced the character of factional conflicts in those movements. If this hypothesis is valid, a study of factional conflicts might be a promising back-door approach to a comparative study of political movements.

I

The year 1924 marks the passing of a distinct phase of National Socialism. Prior to that date the movement was regional, largely restricted to Bavaria and to the southern part of Germany. Its political orientation was strongly identified with the nationalism of the forces of the Right and the military. Its propaganda and organizational activities were predicated on the idea of a *putsch*.[3]

TABLE 1[4]

THE DEVELOPMENT OF LOCAL PARTY ORGANIZATIONS, 1923–25

Districts	Number of Local Party Organizations	
	1923	1925
A. Southern Districts:		
Bayerische Ostmark	75	57
Oberbayern	22	16
Württemberg-Hohenzollern	37	20
Schwaben	32	16
Mainfranken	24	13
Franken	22	18
B. Northern Districts:		
Düsseldorf	10	20
Essen	3	9
Berlin	1	9
Kurhessen	5	15
Mecklenburg	0	14
Osthannover	0	11
Pommern	3	10
Sachsen	27	88
Südhannover	8	40
Thüringen	14	46

[3] The obsolescence of *putschist* tactics had already been pointed out by Feder in August 1923. In his letter to Hitler of August 10, he urged Hitler to pay greater attention to organizational matters. "The times of the *condottieri* have passed," he warned. Oron James Hale, "Gottfried Feder Calls Hitler to Order. An Unpublished Letter on Nazi Party Affairs," *Journal of Modern History*, XXX (1958), 359.

[4] Wolfgang Schaefer, *NSDAP. Entwicklung und Struktur der Staatspartei des dritten Reiches* (Hannover and Frankfurt/M., 1957), 11.

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Beginning with 1924 a considerable shift of emphasis took place in each of these concerns of the party. As a result of Gregor Strasser's organizational talents and his alliances with the *völkisch* groups of North Germany, National Socialism made considerable headway in the north after 1924, as Table 1 (above) illustrates.

The decline in the number of local party organizations in the south was due to the problems inherent in Hitler's determination to organize a new party out of the remnants of the old. The functioning local party organizations were informed early in March 1925 that as of that moment old membership cards became invalid and new applications for membership had to be submitted to the Munich headquarters.[5] This created grave problems for the local party leaders who found it difficult to make the old party members understand why they should be paying new initiation fees.[6] The other factor that created difficulties on the local level was Hitler's demand that local party organizations rupture their ties with all *völkisch* groups and that no party member should be allowed to maintain simultaneous membership in any *völkisch* association.[7] This was a bitter pill to swallow for many local party leaders who had traditionally identified the Nazi party with the *völkisch* idea. Many of the local leaders refused to make the break and declined to subordinate themselves unconditionally to Hitler's personal leadership in the early months of 1925. As a consequence of these factors, several local party organizations seceded or were dissolved during these early months, especially in the southern areas where most of the Nazi party organizations existed prior to 1925.[8] In the north most of the local organizations

[5] See party business manager Philip Bouhler's correspondence with local party leaders in: Washington, D. C., The National Archives, *Captured German Documents Filmed at Berlin* (Microfilming Program at the Berlin Document Center, American Historical Association), Microcopy No. T-580, Reels 20–26 (cited hereafter as *Berlin Document Center*).

[6] The party correspondence provides ample evidence for this. See, for instance, the letter of the district leader of Lueneburg-Stade to Bouhler, May 15, 1925. *Ibid.*, Reel 21.

[7] See Hitler's "Aufruf an die alten Parteigenossen der NSDAP," and "Grundsätzliche Richtlinien für die Wiederbegründung der NSDAP," in *Völkischer Beobachter*, February 26, 1925.

[8] Hitler's tactics toward the dissident local party leaders varied according

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were being built from the bottom up; hence that area was not correspondingly affected by these problems.

Fortunately for Hitler, because of the organizational weakness of the *völkisch* movement most of the dissident Nazi leaders were forced to realize in the following months or years that they had no future outside the Hitler party. Soon they were to bow to Hitler's point of view, one by one capitulating unconditionally to his demands.[9] Thus the decline of the local party organizations in the south was only a temporary phenomenon; by 1928 they had overcome their setback of 1925:

TABLE 2[10]

THE DEVELOPMENT OF LOCAL PARTY ORGANIZATIONS, 1925–28

Districts	Number of Local Party Organizations	
	1925	1928
A. Southern Districts:		
Baden	31	62
Bayerische Ostmark	57	115
Franken	18	36
Oberbayern	16	32
B. Northern Districts:		
Düsseldorf	20	21
Essen	9	11
Berlin	9	28

It is important to note that while these shifts were impressive on paper, they did not represent any corresponding shifts in the real balance of party power in the south and the north. Although the northern districts underwent a period of relative stagnation in terms of membership in the latter part of the nineteen-twenties, for some time after 1925 they still remained the most promising part of the movement.[11] Their

to the local circumstances. Some he dismissed outright by dissolving their local organizations; in other instances he merged several local organizations and thereby forced the dissident leaders to bow to the will of the majority of their followers. See, for example, the Württemberg case in the Bavarian police reports, Stanford, Hoover Library, *Documents from The NSDAP Main Archives,* Reel 70, Folder 1515 (cited hereafter as Hoover Microfilm collection); and the Cologne district reports in *Berlin Document Center,* Reel 21.

9 See Professor Mergenthaler's capitulation to Hitler in June 1927. *Hoover Microfilm Collection,* Reel 70, Folder 1515.

10 Schaefer, 12.

11 Kurt G. W. Ludecke, *I Knew Hitler* (London, 1938), 341.

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promise lay in their attempts to identify themselves with the working classes, while the southern districts still tended to cling for the most part to the bourgeois, anti-socialist, racist idea of National Socialism.[12] Munich remained the business and spiritual stronghold of the movement, but there was little question that the dynamic part of the organization lay in the north.

The socialistic, working-class orientation of the movement in the north after 1925 cannot be conclusively supported by the available statistical data.[13] However, ample evidence to this effect can be gathered from the available party correspondence from the year 1925–26, which appears to be persuasive. In their frequent (almost daily) reports to headquarters, the local party leaders of the north tended to stress the importance of associating their movement with the Left in order to attract members of the working classes.[14] Thus, the local leader of the city of Luebeck stressed the importance of "going to the workers." "If we can get only fifty Social Democrats," he asserted, "we are better off and are more secure than if we had a battalion of the Tannenberg League with seven officers and sixty men." In conclusion he

12 Ideologically, National Socialism in Bavaria remained basically a lower-middle-class affair closely allied with the forces of the Right. The typical concerns of Bavarian local party meetings in the nineteen-twenties were the Jews, international capital, and religion. See Joseph Goebbels' remark in Rudolf Semmler, *Goebbels—The Man Next to Hitler* (London, 1947), 56–57; Hitler's *Secret Conversations, 1941–1944* (New York, 1953), 67; Police Reports on the meetings of the Ansbach local organization, *Hoover Microfilm Collection,* Reel 5, Folder 134.

13 Only fragmentary lists of members are available. The Berlin Document Center files contain initial membership lists for only seven districts comprising a total of about two hundred members. Roughly about one third of them can be classified as workers; the rest were members of the "middle-classes," students, and professionals. Their average age in 1925 was twenty-nine years. See *Berlin Document Center,* Reels 20–26.

14 In some districts this had been achieved to such an extent that the Nazis were regarded as standing shoulder to shoulder with the Communists on economic matters. Report from Danzig, March 20, 1926, *Berlin Document Center,* Reel 20. In other districts the leaders warned against identification with the Right. Report from Hamburg, November 11, 1925, *ibid.,* Reel 21; Report from East-Hannover, January 29, 1926, *ibid.,* Reel 21. The Berlin Nazis called themselves "Hitlerproleten," or Hitler's proletariat, thus indicating their socialistic, lower-class origins and ideology. Reinhold Muchow's report from Berlin, August 1926, *Hoover Microfilm Collection,* Reel 5, Folder 133.

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affirmed that "Playing soldiers won't help here." [15] District leader Josef Klant of Hamburg reported to headquarters: "We have won fifty workers, which pleases us more than fifty doctors." [16] Reports from Danzig,[17] Halle,[18] East-Hannover,[19] South-Hannover,[20] Elbe-Havel district,[21] Anhalt-Dessau,[22] Mecklenburg,[23] and Schleswig-Holstein [24] contained similar sentiments and listed with great pride and self-satisfaction the party's successes in industrial districts. Many of these districts suggested the formation of National Socialist trade unions in order to attract the manual workers.[25]

Thus the Socialist element became a prominent part of Nazi appeals in the north after 1924. Social justice, nationalization of the economy, "bread community," and other socialistic tenets were prominent in the speeches of Gregor Strasser.[26] That these principles were not ends in themselves but means to the establishment of an organic national community was of crucial significance, but a distinction too subtle to be noticed by those to whom the speeches were addressed. What was important for Strasser's audiences was the expression of and emphasis on these principles; for what ends they were to be used was of secondary importance.

The post-1924 tendencies in the north introduced significant changes in the organizational base of the movement as

15 Report from Luebeck, December 14, 1925, *Berlin Document Center*, Reel 23.

16 Report from Hamburg, March 24, 1925, *ibid.*, Reel 20.

17 Reports of October 6, 1925, January 15, 1926, *ibid.*, Reel 20.

18 Report of October 11, 1926, *ibid.*, Reel 20.

19 Otto Telschow to Goebbels, October 23, 1925, *ibid.*, Reel 21.

20 Report of May 15, 1925, *ibid.*, Reel 21.

21 Reports of December 18, 1925, December 27, 1925, February 1926, *ibid.*, Reel 22.

22 Report of November 3, 1925, *ibid.*, Reel 22.

23 Reports of April 8, 1925, June 18, 1925, December 14, 1925, *ibid.*, Reel 23.

24 Reports of March 1, 1925, May 5, 1925, *ibid.*, Reel 25.

25 The party headquarters was besieged by local organizations for directions on the subject of trade unions, but their pleas remained unanswered. "The trade union question is under consideration and is to be decided shortly," was Bouhler's usual reply. See Reports from Elbe-Havel district, February 1926, *Berlin Document Center*, Reel 22; from Danzig, January 15, 1926, Reel 20; Anhalt-Dessau, November 3, 1925, Reel 22; and Bouhler's replies on succeeding dates.

26 See the collection of Gregor Strasser's speeches in his books: *Freiheit und Brot* (Berlin, n.d.); *Hammer und Schwert* (Berlin, n.d.); *Kampf um Deutschland, Reden und Aufsätze eines National-sozialisten* (Munich, 1932).

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well. The keystones of the northern part of the movement were the local organizations which sprang up on the initiative of local citizens and were financed from membership dues and private contributions.[27] The network of local organizations put the movement on a more secure foundation and was important during the period of relative economic prosperity and international peace of the late nineteen-twenties. These local cells became indispensable nuclei around which the great masses of new party members could be organized after 1929.

These changes were by no means contrary to the ideas that Hitler had developed while in prison. Indeed, they implemented those concepts of the party as laid down in *Mein Kampf:* the necessity of a mass base, dissociation from the right-wing bourgeois forces, and systematic party organization based on the principle of absolute leadership.[28] What produced the differences between the northerners and Hitler were not issues of substance but the principle of absolute leadership and issues of tactics.

II

Upon his release from prison in 1924, Hitler set out to forge a strongly disciplined party out of the loose association of local organizations which was all that remained of the old party.[29] By the end of that year there was no effective central leadership in Munich, and the local organizations, having been left to their own devices for so long, were beginning to develop independent attitudes.

Many entered into close relationships with other groups,

27 Theodore Abel, *Why Hitler Came Into Power* (New York, 1938), 78–81; Albert Krebs, *Tendenzen und Gestalten der NSDAP* (Stuttgart, 1959), 41. Not only did the local organizations not receive any help from Munich, but they were required to send to Munich a substantial portion of their hard-earned funds.

28 During his imprisonment and in the years immediately following his release from Landsberg, Hitler was bitterly opposed to the bourgeoisie. He blamed the bourgeoisie and the bourgeois spirit for the failure of the November *putsch*. This contempt comes forth with particular intensity in the pages of *Mein Kampf* and was also evident in his speeches of this period. See Adolf Hitler, *Mein Kampf* (New York, 1939), 59, 225, 567, 612; *Hoover Microfilm Collection,* Reel 70, Folder 1515.

29 On the character of the Nazi party in 1924, see Munich Police Report, *Hoover Microfilm Collection,* Reel 68, Folder 1497A.

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völkisch or socialist (depending on the local circumstances), without bothering to keep Munich informed about their activities. Meanwhile, a corresponding confusion reigned in Munich. Hermann Esser, Gottfried Feder, Alfred Rosenberg, Philip Bouhler, and Franz X. Schwarz were in Munich but had hardly more in common than their physical proximity. Gregor Strasser spent most of his time in Berlin or traveling around North Germany trying to organize Nazism in the north. Ernst Röhm was involved with his *Frontbann* activities and seemed to care little about the problems of the "politicians."

In the first issue of the new *Völkischer Beobachter* (February 26, 1925) Hitler published his "Fundamental Directives" for the new party, and on the next day he convened his first party meeting at Munich. On this public occasion he appealed to all Nazis to bury their personal differences [30] and to unite behind him for the sake of the movement. According to one observer, the result verged on the ridiculous: "Singly and in pairs, men who had been bitter enemies mounted the platform and shook hands, some of them unable to restrain the tear which Hitler's magic voice had worked up. In groups they vowed their forgiveness of each other and swore undying loyalty to the Fuehrer." [31]

The unity of February 1925 remained confined to the leadership of the party for several months to come.[32] It took Hitler and Bouhler several months to bring the great majority of the independent-minded local leaders into line and impose on them unitary party discipline. The party of 1925 was anything but disciplined and well organized. Conflict-

[30] Hitler's motto throughout the "years of fighting" was "let bygones be bygones." As he stated in the first issue of the *Völkischer Beobachter*, the first and overriding task of the leader was to achieve unity in the party.

[31] Ludecke, 258. See also Munich Police Reports, *Hoover Microfilm Collection*, Reel 69, Folder 1509 and Reel 87, Folder 1835. Three important party personalities were absent from this meeting, but two of them responded favorably to Hitler's appeal for unity. Gregor Strasser and Rosenberg accepted the new party principles, but Röhm refused to accede to Hitler's wish to subordinate the *Frontbann* to the party. He resigned from his offices two months later.

[32] The unity was more apparent than real even on the highest levels. The mortal enemies of 1924 were friends in 1925 only on public occasions and in the presence of Hitler. Personality conflicts and rivalries continued, but since they did not affect Hitler's leadership they were allowed to persist.

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ing sets of local leaders competed for recognition in numerous districts, and it was sometimes difficult for those sitting in Munich to know which faction would turn out to be more trustworthy in the future.[33] By the end of the year, however, most of the local leaders had achieved official recognition and the centralizing authority of Munich was beginning to be effectively exerted on the local levels.

As a consequence of cleverly designed policies, the Party Central Office in Munich under the effective direction of its business manager, Philip Bouhler, successfully extended its supervision and control over the minute details of local and district party organizations.[34] The exclusive right of Munich to issue membership cards enabled the Central Office to keep accurate accounts of party membership in each district. Since the number of members determined the financial obligations of the local organizations to Munich, this knowledge enabled Bouhler to exercise strict control over local party finances. Local party organizations were required to collect one Reichsmark for each new member and one half a Reichsmark each month thereafter. The initiation fees as well as a quarter of the monthly membership dues were to be forwarded by the local organizations to the district offices whenever these were in existence; in other instances these funds were to be forwarded directly to Munich. The district party leaders were required also to forward to Munich the initiation fees and one tenth of the monthly membership dues. In addition, all extra contributions which local and district party leaders may have received from private individuals or groups were to be sent *in toto* to Munich.[35]

It is easy to appreciate why many local party leaders began to resent the progressive imposition of such central controls and supervision. The delays involved in the issuance of

[33] Conflicts were particularly evident in Berlin during the summer of 1926, *Berlin Document Center,* Reel 19; Halle during the summer of 1925 through the summer of 1926, *ibid.,* Reel 20; Hamburg in the spring of 1926, *ibid.,* Reel 21; Rhineland-South in the spring of 1925, *ibid.,* Reel 22; and in East Prussia in the spring of 1925, *ibid.,* Reel 24.

[34] During 1925 and 1926 many local organizations were directly subordinated to Munich pending the establishment of district organizations. Considerable confusion existed in organizational nomenclature at this time.

[35] See these requirements as stated in Bouhler's letter to district leader Walter Ernst in Halle, September 25, 1925, *Berlin Document Center,* Reel 20.

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membership cards exasperated local leaders who found themselves besieged by individual applicants demanding their cards upon having paid their fees. Such local difficulties did not seem to have impressed the people in Munich who adamantly insisted on the scrupulous examination of each application regardless of the delay involved.

However, the delay was only the lesser part of the problem from the local point of view. The real source of irritation was the financial obligation imposed by Munich on the district and local party organizations. Regardless of local circumstances, Bouhler demanded one Reichsmark for each new applicant and ten Pfennig each month for every registered member. The arguments of local party leaders that many of their members were unemployed workers, students, old people, or disabled veterans who did not have the money to pay failed to impress Bouhler. He answered these complaints by monotonously repeating the official regulations and reminding the local leaders that their situation was not unique but shared by most of the other local organizations. In order to extract the money due to Munich, Bouhler frequently went so far as to refuse issuance of new membership cards for the local districts and to deny them speakers until financial affairs had been straightened out. This was of great importance for the local leaders who were dependent on Munich for literate speakers. The big prize, of course, was Hitler, and this was duly recognized by Bouhler who declared on one occasion that Hitler would not visit districts which owed money to Munich.[36]

Some exasperated local leaders, Joseph Goebbels and Karl Kaufmann among them,[37] issued their own membership cards in open defiance of party regulations. When called to account by Bouhler, they defiantly admitted their action. They accused Bouhler of having no idea of local party affairs, and declared with amazing audacity that they had yet to see the contributions of the Munich headquarters to the develop-

[36] Bouhler to the Nuremberg local, July 26, 1926, *Berlin Document Center*, Reel 20.

[37] District leaders Bernhard Rust (Hannover), Hermann Fobke (Göttingen), Prof. D. Schultz (Hessen-Nassau-North), and Hinrich Lohse (Schleswig-Holstein) proposed in a joint letter to Bouhler (April 15, 1925) that membership cards be issued by district leaders in order to save time and paperwork and to escape the problem of undue centralization. *Ibid.*, Reel 21.

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ment of the movement. They argued for the impossibility of requiring old Nazis to pay another initiation fee, especially when many of them had spent time in prison for having been Nazis. Similarly, it was impossible to collect dues from the unemployed.[38]

Such sentiments were more typical than unusual and were rooted in the attitudes of the man-in-the-field toward the members of the general staff. There was widespread feeling among local leaders that while they were carrying the lion's share of the work, the headquarters got the lion's share of the dues. There were dissatisfactions with the efficiency of the Munich office as well as with the occasionally conflicting directives coming from Munich.[39]

Such dissatisfactions on the local level were aggravated in the north by the quite perceptible differences in ideological orientation between the north and the Munich leadership.[40] As a result, by the summer of 1925 some northern leaders wanted to assume the ideological offensive against the "reactionary-bureaucratic" elements in the party.[41] By late November discussions had reached the point where Gregor Strasser and Goebbels set out to draft a new party program which they planned to present for adoption at a conference of northern party leaders scheduled to meet in January 1926.

III

Much has been made of this program and of the Hannover conference of January 25, 1926.[42] It has been alleged that

[38] Correspondence, Rhineland-North district, October 22, 1925, *ibid.*, Reel 22.

[39] Ernst (Halle district) to Hess, September 18, 1925: ". . . there seem to be two orders, one from you and one from the party office. Which should be followed?" *Ibid.*, Reel 20.

[40] The presidential elections of March–April 1925 exhibited these ideological differences when, after much vacillation, Hitler decided to support Hindenburg on the second ballot. Hitler's action associated the party with the monarchist, conservative-*völkisch* groups of Graefe and constituted a serious embarrassment for the northerners who were aligned with Ludendorff's Tannenberg League—a *völkisch*, anti-capitalistic organization. See the *Völkischer Beobachter* of March 14, March 21, and April 10, 1925, and Ludecke, 264. Weigand von Miltenberg (pseud.), *Adolf Hitler—Wilhelm III* (Berlin, 1931), 64; Otto Strasser, *Hitler und Ich* (Konstanz, 1948), 81.

[41] Helmut Heiber (ed.), *Das Tagebuch von Joseph Goebbels, 1925/26* (Stuttgart, n.d.), 21.

[42] There were two conferences in Hannover. One was held in November

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this movement was secessionist, primarily ideologically oriented, and directed against Hitler's leadership.[43] However, the party correspondence of the period tends to refute such interpretations, as do contemporary diaries and documents. Available primary sources show persuasively that the northern districts never developed into a "separate party," [44] but worked under very effective control throughout the period. Contemporary documents also reveal that the ideological division between north and south was not as sharp as it has usually been portrayed.[45] It can also be shown that while several of these leaders resented the firm hand of Bouhler, nothing was further from their minds than to challenge Hitler's leadership. Hitler remained the only concrete point of unity in the heterogeneous movement. He was above the conflicts, and he was regarded "as something mystical, unreal." [46]

On January 25, 1926, the Hannover conference was convened. At this important meeting twenty-four northern party leaders were present representing seven northern party districts. The conference resolved to organize the "Working Association of the North and West," elected its officers, approved its propaganda organ, and adopted the draft program. The unanimity of the conference was broken only by Gottfried Feder and Robert Ley.[47]

1925, the other in January 1926. The confusion about the date of "the" Hannover conference is discussed by Heiber, 56.

[43] Alan Bullock, *Hitler. A Study in Tyranny* (London, 1959), 120 ff.; Walter Goerlitz and Herbert A. Quint, *Adolf Hitler. Eine Biographie* (Stuttgart, 1952), 256 ff.; Konrad Heiden, *Der Fuehrer* (Boston, 1944), 286 ff.; Konrad Heiden, *A History of National Socialism* (New York, 1935), 113 ff.; and several books by Otto Strasser.

[44] Bullock, 121.

[45] Had the ideological division been as sharp as some writers maintain, there would hardly have been such demand on the part of northern leaders to have Esser, Rosenberg, Streicher, and other representatives of the "south" as speakers in their districts. Nor would the southern districts have been so anxious to have Gregor Strasser speak at their meetings. *Berlin Document Center*, Reels 19–26.

[46] According to Goebbels, it was in Hitler's presence that Strasser and he decided to draft a new program. Heiber, 43; Görlitz and Quint, 253.

[47] Feder was the twenty-fifth member of the conference. He was an outsider who had been sent by Hitler to observe the proceedings. The accounts of this meeting are fragmentary. See Otto Strasser and Michael Stern, *Flight from Terror* (New York, 1943), 115 ff.; Heiber, 55–56; Miltenberg, 70; Heiden, *A History of National Socialism*, 287; Görlitz and Quint, 257.

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The conference elected Gregor Strasser as the leader of the Association. As its propaganda chief and editor of the *National Socialist Letters,* the conference elected Otto Strasser, while Goebbels was appointed editorial writer. The editorial offices and the press of the Association were to be known thereafter as the *Kampfverlag,* indicating the revolutionary sentiments of its founders.

The program of the Association stressed socialistic reforms in domestic politics and advocated a pro-Russian foreign policy. It proposed nationalization of heavy industry, distribution of unearned land holdings, and expropriation of royal properties. According to Otto Strasser, sentiments were expressed against the idea of the absolute authority of the leader. "We acknowledge no Pope who can claim infallibility," Bernhard Rust is reported to have exclaimed.[48] Such exclamations, however, assuming that they really were made, should not obscure the crucial fact that the conference was not directed against Hitler, but was organized to impress upon him the necessity of redefining the party program along socialistic lines. The conference did not repudiate Hitler's leadership, but sought to capture his charismatic symbol for their cause. That this may have been their mistake was argued by Otto Strasser at a later date:

> Perhaps we should have acted at that moment, made Hitler *honorary* president and thus prevented him from doing any damage by depriving him of all effective power in the Party. We did nothing, because we thought we were much more powerful than he. This was our error and it must be recognized.[49]

Strasser, however, distorted the circumstances of 1925. The reason that they did not depose Hitler was not because they overestimated their power but because they knew that without Hitler the party could not survive. They needed Hitler's name and authority. Besides, if they had wanted to get rid of Hitler, they should have done so in December or January before Hitler had re-established his authority. At that time Gregor Strasser decided for Hitler and with this decision the last chance was given up to continue without

[48] Strasser and Stern, 115–16.

[49] Otto Strasser, *L'aigle Prussien sur L'Allemagne* (Montreal and New York, 1941), 189.

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him. The point is that they did not think of getting rid of him. On the contrary, they thought him to be on their side and they were sure that they would capture him for their positions, as Goebbels' diary makes clear.[50]

The Hannover conference of January 1926 brought into the open the disagreements between the two camps. What made Hitler intervene and summon the Bamberg conference for February 14 was not the basic ideological disagreements which had existed for some time (and which were to continue to exist), but the direct challenge that the Hannover conference implied to the principle of absolute leadership.

IV

Many of the accounts published about the Bamberg conference can safely be classified as fiction. They have not only misrepresented the ascertainable facts concerning the conference, but have been predicated on the mistaken assumption that the Bamberg meeting was called to put an end to the Association which was organized against Hitler. A representative account may be quoted from one of the most authoritative studies on the history of Nazism:

> On 14 February 1926, he [Hitler] summoned a conference in his turn, this time in the South German town of Bamberg. Hitler deliberately avoided a Sunday, when the North German leaders would have been free to attend in strength. As a result the Strasser wing of the Party was represented only by Gregor Strasser and Goebbels.[51]

In contrast to such accounts, the contemporary police report shows that the meeting was held on Sunday (February 14), and was attended by sixty to sixty-five party leaders. Several of these were from the north: Ernst Schlange (Berlin), Walter Ernst (Halle), Friedrich Hildebrandt (Mecklenburg), Glans (Hamburg), Bernhard Rust (Hannover), as well as

[50] "We shall put on a nice act in Bamberg and shall win over Hitler," wrote Goebbels in his diary on February 11, 1926. Heiber, 59. It now seems fairly certain that Goebbels never expressed the wish at that conference that Hitler should be expelled from the party, as reported by Strasser and Stern, 115–16. His diaries show unwavering support and loyalty to Hitler.

[51] Bullock, 122–23. See also the accounts of Heiden, *A History of National Socialism,* 287–89; Rudolf Olden, *Hitler* (New York, 1936), 202–03; and Otto Strasser, *L'aigle Prussien,* 191–203; *Flight from Terror,* 121–23; *Hitler und Ich,* 88–91, 100–01.

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Gregor Strasser and Goebbels.[52] It is not known how many other northern party leaders were present, since the police report does not include a complete list of the participants, but it is obvious that several of the most important leaders from the north were able to attend.[53]

In the absence of documentary evidence, the rest of the speculation contained in Bullock's account cannot be challenged with equal certainty. It can be argued, however, that the site of the conference was not chosen in order to make the cost of travel prohibitive for northern leaders. Had this been Hitler's intention, the logical site of the conference would have been Munich, the party headquarters, which lies some 150 miles farther south. Indeed, it may be argued that it was in Hitler's interest to have as many northerners at the meeting as possible.[54] Hitler's purpose for calling the Bamberg conference was not to defeat the northern leaders, but to convince them of the necessity for party unity. He did not regard the northerners as his opponents but as subordinates who had to be brought back to the right track. Besides, it was not the purpose of Nazi party meetings to make decisions on the basis of majority rule. Thus, the number of northern leaders present was quite irrelevant to the outcome of the conference. To maintain that the reason for Hitler's "victory" at Bamberg was a packed conference reveals a basic misunderstanding not only of Hitler's relationship with the northern leaders, but also of the nature of decision-making in the Nazi party.

[52] *Hoover Microfilm Collection,* Reel 33A, Folder 1788. The meeting on February 14 was secret; no party members other than leaders were allowed to attend. The next day there was a public meeting of six to seven hundred persons at which the agreements reached the previous day were publicly announced.

[53] It can be seen from the party correspondence that more leaders were invited from the north than were actually present. District leaders Fobke (South-Hannover-Braunschweig) and Viereck (Elbe-Havel) declined the invitation. *Berlin Document Center,* Fobke's letter to Hess, February 2, 1926, Reel 21; Viereck's letter to Bouhler, February 11, 1926, Reel 23. While most party leaders received invitations, some did not. Kaufmann (Rhineland-South) complained to Bouhler that he had not received an invitation, although to his knowledge everybody else had. Bouhler informed him that not all district leaders had been invited. *Ibid.,* Reel 22.

[54] "Bamberg was chosen as the site of the conference in order to enable those living far away to come." Bouhler's correspondence to Viereck, February 9, 1926, *Berlin Document Center,* Reel 22.

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There are no known official records of the proceedings of the conference.[55] The account of the conference which appeared in the official party newspaper indicates clearly enough, however, the major points of Hitler's concern. According to the *Völkischer Beobachter* (February 25, 1926), Hitler addressed himself to three main topics. First, he rejected Strasser's idea of a Russian entente; that, according to Hitler, would have meant the bolshevization of Germany. Instead, he suggested that British and Italian alliances offered the most promising possibilities for Germany. The East he regarded as an area of colonization. Secondly, he rejected the northerners' position with respect to the expropriation of royal properties on the principle that "nothing should be given to them [princes] which does not belong to them," but also that nothing should be taken away from them which belongs to them. "We are for rights," he declared. "We know only Germans, not princes." Thirdly, he prohibited anyone from raising religious issues in the party because these "have no place in National Socialism."

This is the extent of the newspaper's report of the meeting. It ends with the following statement: "The rest of the meeting was taken up by programmatic discussions in which several people participated besides Hitler, especially Feder, Strasser, and Streicher. Complete agreement was achieved."

Otto Strasser's account goes beyond this report and states that the conference adopted the following resolutions: (1) abandonment of the Hannover program and reaffirmation of the Twenty-five Points; (2) dissolution of the Association and the establishment of a unified party organization; (3) nomination of all district leaders by Hitler; (4) creation of a party tribunal to regulate intraparty disputes with the power to expel members and to dissolve local organizations; the members of this tribunal were to be nominated by Hitler; and (5) establishment of the SA.[56]

The outcome of the conference is generally referred to as a victory for Hitler. It is submitted here that this is a misinterpretation, since there existed no movement against

[55] "There is no agenda for the conference. Hitler wants to discuss a series of important questions." Bouhler's letter to Viereck, February 6, 1926, *Berlin Document Center*, Reel 22.

[56] Strasser, *L'aigle Prussien*, 193.

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Hitler. At the conference Hitler refused to go along with the northern point of view, and this was a great blow to Strasser and Goebbels.[57] However, Hitler did not handle them as defeated enemies; although the Association had to be dissolved, its propaganda organ in Berlin was allowed to continue. Gregor Strasser was put in charge of party propaganda, and just a few months later Goebbels was named district leader in Brandenburg-Berlin.[58]

The decisions of the conference proved to be conclusive. The Association of the North and West was immediately dissolved; [59] Gregor Strasser went to Munich to assume his new position while continuing his association with his brother in the *Kampfverlag*. If the Northern Association had been directed against Hitler, however, the decision of a "packed" conference would not have been accepted as a matter of course. In fact, there was not a single resignation or expulsion. Herbert Blank's argument that the district leaders and Gregor Strasser abided by Hitler's decision in early 1926 because they were financially dependent on their party offices is not convincing; four years later it may have been a more important factor.[60]

V

The readiness with which Hitler's decisions were followed by the northern leaders, who only two weeks before had manifested such remarkable unity and strength of conviction in adopting their draft program and founding their Association, is not puzzling if one recognizes that their actions had not been directed against Hitler, but were predicated on his support. When Hitler pronounced the Hannover program

57 See Goebbel's entry in his diary for February 15, 1926, in Heiber, 59–61.

58 It is not true that Goebbels deserted Gregor Strasser at the conference, as was reported by Otto Strasser and repeated by others. It was not until several weeks later that Goebbels was offered and accepted the district leadership in Berlin. On March 26 he notes in his diary the receipt of Hitler's letter and the invitation to speak in Munich, which he eagerly accepted. Heiber, 68. On Otto Strasser's account see *Hitler und Ich*, 90; *Flight from Terror*, 122–23.

59 The "Working Association of North and West" was dissolved when its Hannover program was repudiated by Hitler. But there is no evidence that any association ever existed in the strict organizational sense of the term. After all, only three weeks elapsed between Hannover and Bamberg.

60 Miltenberg, 78–79.

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wrong, the northerners, disappointed as they were, accepted his verdict. It is important to note, however, that Hitler did not attack the substance of the Hannover program. He did not try to enforce an ideological uniformity in the movement. Indeed, his factotum, Goebbels, whom he had sent to Berlin in late 1926, assumed a position there just as socialistic and anti-capitalistic as that of the other northern leaders. Ideological heterogeneity was a characteristic of the Nazi movement from its inception; it was of no concern to Hitler. There was no orthodoxy in Nazi ideology; the only orthodoxy was the totalitarian principle of absolute obedience to an absolute leader.

Hitler called the Bamberg conference to ward off possible threats to his leadership. The quasi-independent organization of the northern districts implicitly challenged the Nazi principle that the leader was the sole center of the movement. No other institution or body of persons was to have an all-encompassing competence. Questions affecting the movement as a whole pertained to the leader alone. Others were allowed only limited authority delegated by the leader; they could act only within the spheres of their limited competence.

The Hannover conference challenged this principle of party organization by assuming the right to decide questions pertinent to the movement as a whole. That the conference meant only to guide Hitler back to the "true path" was immaterial to the issue.

The second threat to Hitler's absolute leadership was the proposed party program adopted in Hannover. Again, it was not the substance of the program that was important, but the mere existence of it. A program is by definition incompatible with the idea of absolute leadership. Its principles tend to bind the leader to certain courses of action and may be used as standards by which to evaluate the actions of the leader. A program gives every member of the political party an opportunity (if not an obligation) to judge the actions of the leader and to call him to account. The leader becomes an executive and ceases to be a "philosopher"; his responsibility will be to implement the principles of the program rather than to formulate the principles themselves.

It is not certain to what extent the members of the Hanno-

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ver conference were aware of these implications of their actions. Certainly, the idea of a democratic party organization was far removed from their minds. Their concern was simple and immediate. What they wanted was to set down the "true" principles, of Nazism, or, rather, those which promised the greatest political success. They did not think that these principles would be necessarily incompatible with the idea of absolute leadership which they understood only imperfectly. The participants in the Hannover conference did not mean to challenge Hitler's authority; they only meant to fight the people who surrounded Hitler in Munich. It was a conflict between the men-in-the-field, the local party leaders, and the courtiers of the party headquarters. The Hannoverians were not aware, as Hitler was, of the implications of their resolutions for the principles of charismatic authority. Had they been aware that they were challenging Hitler's authority, they hardly would have counted on his support in Bamberg.

However, the motivations of the northern leaders were immaterial from Hitler's point of view, for he realized immediately the implications of the draft program. At the Bamberg conference Hitler rejected the Hannover program; in May he declared the 1920 program as unalterable.[61] This placed all discussion about the program out of order, and the party took another step toward the program's ultimate totalitarian ideological emptiness.

The aim of the founders of the Working Association of North and West from 1925 to 1926 was to liberate Hitler from his Munich surroundings, not to challenge his leadership of the movement. Their purpose was to impress upon Hitler the necessity of a programmatic approach based on socialistic principles if the movement were to meet with success in working-class circles. When they called the Hannover meeting to form the Association and to adopt the draft program, they appeared to be sincerely convinced that they were acting in good faith and in the best interests of the movement. They believed that their draft program incorporated the true principles of National Socialism, which had been corrupted by the Munich clique composed of Streicher, Esser,

[61] Hans Vols, *Daten der Geschichte der NSDAP* (Berlin and Leipzig, 1934), 14.

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Rosenberg, Amann, and others. They thought that Hitler had been misled by this group which had managed to isolate him from the outside world. The northerners wanted to establish contact with Hitler and tended to be confident that once Hitler learned of their position he also would accept it.

The most authentic evidence in support of these observations is Goebbels' diary for the years 1925 and 1926. This diary, which was never intended for publication, was discovered in its original form after the end of the war. The entries represent Goebbels' feelings and attitudes in those years and provide interesting insights into party affairs.

On August 21, 1925, Goebbels noted, "Hitler is surrounded by the wrong people." Goebbels went on to state that the organization which Strasser and he were working on in the north would provide a weapon against the stale bureaucrats in Munich. On September 11 he noted that Hitler appeared to be between the two camps (the north which believed that socialism had to be achieved first in order to provide a broad basis for nationalism, and the south which believed that the worker had to be won over to the "National Idea" directly), but that in principle he had already decided for the north. The continuing problem was Hitler's inaccessibility. "We have to get to Hitler," Goebbels wrote on October 19; and again, he noted on November 2, "perhaps it will be possible to have a longer discussion with Hitler." [62]

Goebbels looked forward to the Bamberg meeting with great hopes and expectations. He thought that Feder would be defeated and Hitler would adopt their point of view.[63] Then came the blow; Hitler turned against them. "I feel as if I had been beaten," Goebbels wrote after the conference.

> My heart aches. . . . A sad journey home. . . . I hardly say a word. A horrible night! Surely one of the greatest disappointments of my life. I do not believe Hitler without reservations any more. That is what is terrible: I have been deprived of my inner self. I am only half.[64]

Goebbels idolized Hitler from the beginning, and to find himself in opposition to his leader was an unbearable burden

[62] Heiber, 21–22, 27, 35, 39.

[63] "Wir werden in Bamberg die spröde Schöne sein und Hitler auf unser Terrain locken." *Ibid.*, 59.

[64] *Ibid.*, 60.

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for him.[65] Hardly a week after the Bamberg meeting he wrote to Hitler protesting against Streicher's attacks upon him. He spent the next weeks in anxious waiting for Hitler's answer. On March 29 it finally arrived; Hitler invited him to speak in Munich. Goebbels spoke in Munich and at the end of the speech he was embraced by Hitler. "I am terribly happy," he noted.[66]

Goebbels was one of the leaders of the northern group in 1925–26, the principal collaborator of Gregor Strasser, and the co-author of the draft program submitted at the Hannover conference. His recorded attitudes are certainly significant indications of the aims and purposes of the northerners in 1925–26. They never considered moving against Hitler, but hoped to the very end to gain his support.[67] Otto Strasser's biographer summed up the 1926 crisis correctly when he wrote:

> They [the Strasser brothers] did not see the struggle in that light, they did not feel themselves to be working against Hitler. They only saw that Hitler was betraying the things he claimed to represent, the promise he had made, and sought to bring him back to them.[68]

The factional experience of 1925–26 also demonstrates the pattern of Hitler's tactics. During 1925 he refused to take a stand in the dispute between the northern party leaders and the Munich office, to the great disappointment of Goebbels.[69] However, this tactic of neutrality tended to strengthen Hitler's position. As the issues sharpened, Hitler's arbitration became increasingly important for both sides. Consequently both had to depend on his mercy.

Although Hitler was informed in November 1925 of the intention of the northern leaders to form an association at the Hannover meeting in January of the next year, he did not voice any displeasure. He easily could have prevented

[65] Goebbels' adoration of Hitler is evident throughout his entries. See 27, 33–34, 39, 40, 43, 65, 71.

[66] *Ibid.*, 61, 68, 71.

[67] That they had no intention of deposing Hitler was illustrated vividly by their continued use of "Heil Hitler" in the 1925–26 period. Görlitz and Quint, 256.

[68] Douglas Reed, *Nemesis? The Story of Otto Strasser* (London, 1940), 80.

[69] Heiber, 27.

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the meeting at that time, but he remained silent. He allowed the meeting because he did not consider the ideological arguments of Goebbels and Strasser to be threats to his authority. When, however, the second Hannover conference passed resolutions contradicting his policy on the expropriation issue, he immediately convened the Bamberg conference.

When he finally made his move at Bamberg, there was no question of a party split. His decision was accepted in the north without the resignation of a single northern leader. Under the circumstances there was no need to punish a single member of the Association. He promoted the leader of the Association, Gregor Strasser, and a few months later appointed Goebbels as district leader of Berlin-Brandenburg. Participation in the Association did not affect the careers of such prominent functionaries as Erich Koch, Karl Kaufmann, Bernhard Rust, Victor Lutze, and many other lesser figures. The actions of the charismatic leader were not those of a victor, but of a benevolent and forgiving arbiter.

VI

There remains to suggest some explanations for the factional experience of 1925–26. As the fundamental hypothesis the proposition is advanced here that the nature and characteristics of intragroup divisions are determined by the nature of legitimacy of the group. Legitimacy in totalitarian movements may be either ideological or charismatic; it is either dogma or person that justifies the existence of the group. The existential requirement of both ideology and leader in totalitarian movements should not obscure the important realization that behind any organization there exists an idea which legitimizes or justifies the existence of the group. This idea may be expressed in an ideology or it may adhere to a person and, accordingly, the group may be termed ideological or charismatic. In ideological movements the leaders will claim authority on the basis of the dogma, and will always represent themselves as its representatives and carriers. Thus, for instance, communist leaders have always been careful to give their power an ideological justification and not to appear more than instruments of the revealed faith.[70] In charismatic movements, on the other hand,

[70] Hence the "cult of personality" tends to be a continuing problem in

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the leader claims authority because he incorporates the idea in his person. Thus, Hitler could identify the idea of National Socialism with his person instead of representing himself as an instrument of it. By definition, the leader and the idea were the same in Nazism; the idea was not something external and independent of the person of the leader, but was incarnated in the leader.

It is suggested here that the difference between ideological and charismatic legitimacy is of crucial importance for the pattern of factional behavior because legitimacy not only defines the cohesive force in the group but also represents the basis of intragroup conflict. That is, in an ideological movement it is the dogma which ultimately holds the group together and which lends authority to the leader. It is, however, also the dogma which can give rise to various interpretations which can in turn become the bases of factional conflicts. The dogma legitimizes the group, but it can also lend legitimacy to factions. Hence, in ideological movements factions will always base themselves on some interpretation of the ideology and will challenge the existing leadership on ideological grounds.

In charismatic movements, the identification of leader and dogma deprives the factions of an ideological base. Legitimacy inheres in the leader, hence an attack on the leader in a charismatic movement would be analogous to an attack on the dogma in an ideological movement. Yet the legitimizing idea of the movement can never be challenged, otherwise the dissenters would place themselves immediately outside the movement and as such would not compose factions which assume the framework of a group. In that case the conflict would be intergroup, not intragroup. For this reason, factions in ideological movements will always avoid attacks on dogma. In charismatic movements, for the same reasons, factions will always avoid attacks on the leader. In both cases the legitimizing idea will remain above factional strife, but while it will continue to bind the movement toegther, it can also provide the basis for intragroup conflict. This explains why Hitler managed to stay above the conflict in 1925 and 1926; why the factions, instead of challenging his authority, strove to gain his support. It was the personal nature of

ideological movements since it contradicts ideological legitimacy.

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legitimacy which forced both the northerners and the Munich group to claim to be the representatives of Hitler and his truest followers. This also explains why Hitler could so easily put an end to the Association of the North and West at Bamberg. By turning against them, he deprived them of their legitimacy. From then on they could not claim to be Hitler's representatives; they had no choice but to surrender since opposition to Hitler would have meant opposition to National Socialism.

Thus, the 1925–26 factional conflict, taking place on the secondary level of leadership, not only preserved and enhanced Hitler's authority and power, but also ensured the unity of the movement. Hitler was the ultimate arbiter to whom all factions appealed; he remained the only point of unity, the only force of cohesion in the ideologically and sociologically heterogeneous movement. That Hitler was an arbiter rather than a participant in the conflict was also reflected in the way in which he dealt with the members of the northern faction after the Bamberg meeting—not as a victor, but as the benevolent judge. He did not punish them, but continued to keep them in positions of authority and power. Indeed, there would have been no reason to punish men who, though misguided, acted in good faith.

Thus the unity of the movement was preserved; the leaders retained their positions of authority while the rank-and-file remained basically unaffected by the whole crisis. For the ordinary party member or follower there was no crisis of conscience; those who were loyal followers of the northern leaders never assumed any conflict between these leaders and Hitler. They followed the northern orientation because they thought that they were following Hitler. There was no reason for Hitler to doubt the loyalty of the rank-and-file, and there is no evidence that he did. The Bamberg conference did not necessitate mass purges; the rank-and-file membership was hardly affected by that leaders' conference.

Why, then, was the Bamberg conference necessary? Why did Hitler consider it imperative to intervene when there were no threats to his leadership? In the absence of relevant data, the answers to these questions will have to remain conjectural. It may be plausible to suggest that while Hitler realized the fundamental loyalty of the northerners to his

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person, he may have felt instinctively that what the northerners attempted to do was ultimately incompatible with the nature of his movement. The attempt to define National Socialism programmatically would have challenged the charismatic nature of its legitimacy and *ipso facto* Hitler's absolute leadership. The ideology of a charismatic movement has to remain sufficiently vague so as not to become the basis of legitimacy. The attempt at Hannover to draw up a program was a step to make the movement an ideological one. This is what Hitler could not tolerate and that is what made the Bamberg conference necessary.

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VOTING PATTERNS AMONG HIGH-RANKING MILITARY OFFICERS *

THE role of the uniformed military in public affairs is coming under increasing scrutiny. The general hypothesis is that, since World War II, the military have become increasingly more active in matters usually termed "political." [1]

This analysis endeavors to put this general hypothesis to one form of test through consideration of the first systematic data available on the voting activity of 2,077 high-ranking United States military officers between 1944 and 1959 inclusive. More specifically: (1) is there a military tradition with respect to political action via the polls; (2) if so, was this tradition more or less controlling in 1959 than in 1944; and (3) what are the major factors at work?

The simple act of voting or of registration so as to be able to vote—the basic data dealt with here—represents only one category of information needed to test any trend of political activity in the military. However, it is generally agreed that in the United States the act of voting is a main index of political activity, and that persistent voting suggests a concern about public affairs likely to be manifest in further overt action, often of an organized, if not partisan, character.[2]

NATURE OF THE RESEARCH

The information dealt with here was obtained from ques-

* The authors are indebted to both Cornell University and the Social Science Research Council of New York for funds in support of the research outlined here.

1 See, for example, Morris Janowitz, *The Professional Soldier* (Glencoe, Ill., 1960), Chap. 12.

2 There are many analyses of political activity and several "activity indexes." However, a positive relationship between voting and other forms of political activity has usually—as here—been assumed rather than proved. This assumption is probably warranted for the American voting public, though its absurdity in other settings is obvious from the meaninglessness of persistent voting as an index of other political activity in totalitarian nations. The matter deserves more careful treatment, as some of the data here underscore.

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tionnaires filled in by the 2,077 officers themselves. Certain questions dealt with such background matters as education, family of origin, nativity, and career routes, while two other questions—those most crucial for this analysis—were as follows:

38. Are you registered in any state as a voter? ..... Yes ☐
No ☐

39. Did you find it possible to vote in any of the following presidential elections?

	Yes	No
1944	☐	☐
1948	☐	☐
1952	☐	☐
1956	☐	☐

While the wording of question 39, with its reference to "possible," is unusual, it was deliberate. This was to recognize the special suffrage problems of the military as a result of geographical movement and the difficulty of establishing residence or of accomplishing absentee ballots in many cases. The wording also compensated to some extent for the known tendency to respond more positively to questions inquiring about voting than a given individual's actual voting record may warrant. This formulation of the question was submitted to a number of potential respondents before being used. Both their reactions and our later analysis indicate that the wording poses no unusual problems of interpretation. The question was quite well understood to be getting at actual voting.

The questionnaires were administered by mail in the spring of 1959 as a main research instrument in a still broader study devoted to the backgrounds and characteristics of federal executives in general, civil and military, involving data on nearly thirteen thousand persons.[3] The respondents include more than eighty per cent of the 1,259 general and flag officers then on active duty in the Army, Navy, Air Force, and Marine Corps, together with some eight per cent of the 14,157 colonels and naval captains. Over seventy-one per cent of those to whom questionnaires were sent re-

[3] For the major report on this larger study, which, however, does not deal with matters considered here, see W. Lloyd Warner, Paul P. Van Riper, Norman H. Martin, and Orvis F. Collins, *The American Federal Executive* (New Haven, 1963).

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sponded.[4] There is every evidence that the respondents are representative of the whole, as well as suitably representative of the officers of these ranks in each of the four uniformed services early in 1959.

At this point it is also important to understand the two types of breakdowns of answers which are dealt with in the tables and text to follow. In some cases we have utilized the five-way breakdown obvious in the two questions themselves—counting each election as one item, plus the registration information for 1959 as the fifth. In other cases, we have combined these five items with the non-voting possibility into a compressed but quite useful three-way breakdown. In the latter case the registration information has been equated with the voting information. This permits six "voting score" possibilities ranging from zero to five. The three-way breakdown which derives from these six possibilities is as follows:

"Voting regularly"—those voting four or five times in fifteen years
"Voting occasionally"—those voting two or three times
"Voting seldom or never"—those voting only once or not at all.

The result is a simple and expressive categorization. Both of the above types of breakdowns have been related, in turn, to such other factors as rank, father's occupation, geographical location, age, academy education, and the like. Of course, there is no information here on partisan choice, nor do we have any data on other than presidential elections and, for 1959 only, on other than registration.

THE GENERAL PATTERN

Let us consider first the general trend in military officer voting. More specificially, during the period between 1944 and 1959, did the voting activity of high-ranking military officers vary significantly from that of the general population, and, if so, in what way? The findings are shown in Table 1.

[4] Questionnaires were sent to all general and flag officers then on active duty in all four services, and to 1,653 (nearly twelve per cent) of the colonels and naval captains. In some of the tables to follow the number of responses tabulated is slightly less than 2,077 because there were a few scattered failures to answer particular questions.

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TABLE 1

MILITARY VOTING ACTIVITY COMPARED TO THAT OF THE U. S. VOTING POPULATION

Year	Per Cent Voting	
	Military	U. S. Voting Pop.
Voting in 1944	25	55[a]
Voting in 1948	37	53[a]
Voting in 1952	44	63[a]
Voting in 1956	40	61[b]
Registered in 1959	49	
Voting in 1960		64[c]

[a] Robert E. Lane, *Political Life* (Glencoe, Ill., 1959), 21.
[b] V. O. Key, *Politics, Parties and Pressure Groups* (New York, 4th ed., 1958), 624.
[c] R. M. Scammon, "Why One Third of Us Don't Vote," New York *Times Magazine,* Nov. 17, 1963, p. 36.

From these data it is clear that, while the voting activity of the Americans who were eligible to vote between 1944 and 1960 increased somewhat, the activity of high-ranking military officers increased at a greater rate. The 1944 gap of thirty per cent had narrowed considerably by 1956 and probably further by 1960. Some of the low military percentage for 1944 can be attributed to World War II and consequent large-scale dislocations of military officers; but many civilians were similarly dislocated as a result of widespread geographical movement to fill industrial jobs. One might expect a dip in military activity in 1952, as a result of the Korean conflict, but, significantly, such does not occur.

As for the individual services, the picture is the same—gradually increasing activity in all services. However, the relative voting activity as among the four services contains some fairly marked differences, which do not conform to the popular hypothesis that the Air Force is the most liberal and politically active of the services. In rank order, beginning with the service having the greatest voting activity, the Navy leads, with an average voting record for the five time points of close to forty-five per cent. The Marine Corps is next with nearly forty per cent, and the Army and Air Force follow with slightly above and slightly below thirty-five per cent respectively.[5]

[5] For a different breakdown making the same point, see Table 3. For

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Finally, while Table 1 clearly indicates a differential between military and civilian voting activity, it is not obvious from these simple facts whether the low voting rates of the military are due to the military rotational system or to other factors which collectively may be termed "military tradition." Our other data support the conventional hypothesis that there is a tradition in the military against political activity, even at the level of voting itself. Let us now examine this hypothesis more closely to ascertain the major factors at work.

THE MILITARY TRADITION OF POLITICAL NEUTRALITY

Here the implications of father's occupation, educational background, type of first and present commission, type of career, and inter-organizational movement will be considered in that order.

Father's occupation. The relevant data appear in Table 2. Here the effect of coming from a family already oriented

TABLE 2

OCCUPATION OF FATHER AND MILITARY VOTING ACTIVITY

Occupation of Father	Voted Regularly	Voted Ocassionally	Voted Seldom/Never	Totals
Laborer	16%	31%	53%	100% (283) *
Farmer	15	36	49	100 (196)
White collar	16	34	50	100 (281)
Executive	16	29	55	100 (315)
Owner of business	17	33	50	100 (388)
Professional	16	34	50	100 (366)
Uniformed service	6	29	65	100 (172)
Miscellaneous	8	46	46	100 (13)

* Number of cases in parentheses; total is 2,014.

toward military life and its expectations is strikingly apparent. The voting activity of those from such a family of origin is markedly less than those from backgrounds where the orientation was distinctly more civilian. Where the wife's father was a member of a uniformed service, the effect is similar, with eight per cent voting regularly, twenty-six per cent occasionally, and sixty-six per cent seldom or never. We

findings similar in meaning to ours with respect to the Navy and Air Force, see Janowitz, 238–39.

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have not yet calculated precisely the combined effect of a father and a mother (plus a grandfather, also on whom we have occupational information) from the military, but other evidence indicates that it would be still greater. Notable also is the relatively little differential effect of other types of family of origin. That is, contrary to the suggestion of Janowitz in *The Professional Soldier* (pp. 10–11), Table 2 implies that American officers from lower level family backgrounds are no less politically neutral than those from, say, executive or professional families.

Education. The effect of military tradition is still further underscored when one considers the voting activity of those high-ranking officers attending the military academies —West Point and Annapolis—as opposed to those who obtained their education via some other route. Table 3 makes this clear, as well as the service differentials mentioned ear-

TABLE 3

TYPE OF SCHOOLING AND SERVICE, AND MILITARY VOTING ACTIVITY

Type of schooling	Service	Voted in 1944	Voted in 1948	Voted in 1952	Voted in 1956	Registered in 1959
Academy (1,057) *	Army	15%	20%	31%	26%	32%
	Navy	22	32	47	42	49
	Air Force	12	18	33	29	39
	Marine Corps	36	27	46	36	55
Other (1,020)	Army	36	45	52	50	58
	Navy	49	54	61	56	64
	Air Force	26	39	45	42	53
	Marine Corps	21	36	36	43	57

* Number of cases in parentheses; total is 2,077.

lier. Expressed in terms of our three-way breakdown, we see that only nine per cent of the academy men voted regularly, compared to twenty-one per cent non-academy. From this and other information it is clear that the professional academy experience at a relatively early age has served to inhibit voting activity.

Such a clear picture is marred only slightly by other educational evidence, which, however, runs counter to the generally accepted hypothesis that high voting activity correlates with high education. First, we have checked the voting rec-

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ords of those officers whose fathers had varying levels of education. Here, surprisingly, we find the highest percentage voting regularly, nineteen per cent, coming from families where the fathers had less than a high school education, and the lowest, thirteen per cent, coming from families where the fathers were college graduates. Even more unusual is the fact that this pattern carries over for the high-ranking military officer himself. That is, regardless of rank level, those officers with the least formal education are the most active at the polls. The differences as shown in Table 4, however, are not very great. This table is limited to the

TABLE 4

VOTING ACTIVITY AND LEVEL OF EDUCATION OF COLONELS AND NAVAL CAPTAINS

Year	High School Grad. or Less	Some College	College Grad.	Post-grad.
Voted in 1944	47%	36%	25%	33%
Voted in 1948	50	51	39	41
Voted in 1952	53	54	47	51
Voted in 1956	53	51	45	48
Registered in 1959	53	57	53	56

level of colonel and naval captain because only at this level are there sufficient cases (only two per cent of all the military officers studied here had a high school education or less) for meaningful percentages. By comparison, ten per cent of all the officers had "some college," while eighty-eight per cent were college graduates, with over twenty-five per cent of the latter receiving one or more advanced degrees. It is only at th postgraduate level that one sees any reversal at all of this tendency for a negative correlation of voting activity with educational level.

As those with less than college graduation tend to come from lower level families, only here do we find any tendency —and a slight one at that—for our data to support the hypothesis that broadening the social base of our military elite might tend to decrease the willingness of high-ranking military officers to maintain existing general standards of political neutrality.

Type of commission. Those whose *original* military commission as an officer stemmed from academy training voted

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regularly in only nine per cent of the cases compared to thirty-one per cent with direct commissions from civil life, thirty per cent of those with commissions from various types of officer candidate schools, twenty-two per cent of those commissioned from warrant officer or enlisted status, and twenty-one per cent from ROTC programs. Interestingly, those commissioned on the basis of education in other military schools, such as Virginia Military Institute (General George C. Marshall's alma mater), have voted regularly in only three per cent of the cases. However, their percentage of "voted occasionally" is higher than that of academy graduates by forty-six to thirty per cent. The "voted occasionally" pattern is similar for all types of original commission except that just mentioned—that is, varies between a narrow range of thirty to thirty-six per cent.

Analysis of *present* commissions shows a similar result, again stressing the fact that those with the greatest long-run commitment to a military career have the lowest voting participation. Only ten per cent of those with "regular" military commissions in 1959 voted frequently and thirty per cent occasionally, compared to nineteen and thirty-five per cent for officers with reserve commissions and forty-one and thirty per cent for those with national guard commissions.

Inter-organizational movement. It may be surprising to some that more than twenty-five per cent of our high-ranking officers have served in three or more major governmental agencies or private organizations. For the nearly 1,100 officers whose entire career has been in one organizational unit—that is, solely in their own armed service and its military department—the number voting regularly has been eleven per cent and occasionally thirty-one per cent. In contrast, of the 120 officers with careers involving five or more organizations (in nearly all cases some private as well as their own military and perhaps other government agencies) the per cent voting both regularly and occasionally has been thirty-five. The increase is consistent and progressive as one moves from officers in one up through five or more major organizational entities. Again, the earlier and the more continuous the commitment to a particular service and a career within it, the greater the political neutrality with respect to voting activity.

Career routes. Our data have permitted dividing all the

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officers into seven groups, based on primary career emphasis, as shown in Table 5. Here again we find career commit-

TABLE 5

SEVEN TYPES OF SERVICE CAREERS, BY VOTING ACTIVITY

Primary Career Emphasis	Voted in 1944	Voted in 1948	Voted in 1952	Voted in 1956	Registered in 1959	No.
Operations	20%	25%	37%	31%	41%	722
Mixed, Operations and Other	18	27	41	35	43	223
General, Joint Staff	22	30	39	35	45	305
Administrative	43	48	57	54	60	210
Technical	29	43	51	49	56	357
Supply	33	49	49	51	58	173
Misc.	21	23	32	28	35	57

ment controlling, for other information makes it clear that the high proportions of those with academy backgrounds, for example, are in the operations, general and joint staff, and miscellaneous categories. Similarly, these groups also contain the high proportions of those with "regular" commissions. Finally, we know that in the long run military life has been associated far more with operations and general staff activities than with administrative, technical, and supply work which is often of a civilian nature. Where the military life appeals as a special type of personal experience, it has usually been combat and sea duty (operations), for example, which have been seen as the distinctive core of a military career. It is in support activities relating to supply and administration (paperwork, by military definition) that we also find the most reserve and national guard officers, the most officers commissioned from civil life, and the most with wide organizational experience. Our career data shown here do not change the picture as delineated by the prior evidence; they only reinforce it from another point of view.

Thus, it seems quite clear that there is a tradition in the higher U. S. military officer corps with respect to voting activity which is different from that among civilians. That is, the greater the military experience of the high-ranking officer, the greater his family orientation toward military life, and the greater the commitment of the officer to a long-term career as a "regular," the less his voting activity. This mili-

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tary tradition and commitment, rather than level of education and class of status of family of origin, appear to have been the governing factors in determining the degree to which our high-ranking military officers have exercised the franchise.

RANK, AGE, AND CAREER SPEED

The next question which arises has to do with the voting trends within the time span of an individual's career. Despite the general increases in voting activity throughout the entire high-ranking officer corps between 1944 and 1959, can we say anything about the differential effects of promotions, increasing age, and career speed as effective factors? That is, does this research support the general proposition of Janowitz, that as "the vast majority of officers . . . ascend in the hierarchy, they become increasingly conscious of their political loyalties and preferences" (p. 234)? To be sure, we do not have data on ranks below that of full colonel; but we can view voting activity in terms of several time-oriented perspectives. Let us look first at the relationship of voting to rank, as shown in Table 6.

TABLE 6

RANK AND VOTING ACTIVITY

Rank	Voted Regularly	Voted Occasionally	Voted Seldom/Never	Totals
General/Admiral	9%	23%	68%	100% (31) *
Lt. General/Vice Admiral	14	26	60	100 (80)
Maj. General/Rear Admiral, upper half	11	27	62	100 (461)
Brig. General/Rear Admiral, lower half	8	32	60	100 (391)
Colonel/Captain, naval	19	36	45	100 (1,114)

* Number of cases in parentheses; total is 2,077.

Here, if voting activity is any measure of increasing political consciousness, we must say that the evidence does not support the Janowitz proposition in any significant way. Nor does a division of each rank into academy and non-academy graduates change the picture. As the largest proportion of non-academy graduates are at the level of colonel or naval captain, what is really indicated by all this is a finding that

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we have already noted—namely, that a non-academy background predisposes to greater voting activity at any rank than does academy preparation. Rank itself seems to have little to do with voting activity.

In the relationship of present age to voting activity, we find an intriguingly consistent relationship not at all in keeping with what might be suspected. The popular hypothesis would undoubtedly be: the younger the officer, the more voting activity. Yet, precisely the opposite is true in an unusually consistent relationship for all ranks, as shown in Table 7.

TABLE 7

RANK, PRESENT AGE, AND VOTING ACTIVITY

Rank	Voted Regularly	Voted Occasionally	Voted Seldom/Never	Average Age Each Rank
General/Admiral	60.3 years	56.3 years	56.1 years	56.5 years
Lt. General/Vice Admiral	57.2	55.9	56.0	56.1
Maj. General/Rear Admiral, upper half	55.6	53.5	53.5	53.5
Brig. General/Rear Admiral, lower half	50.4	49.8	49.7	49.8
Colonel/Captain, naval	49.4	47.1	47.6	47.8

We have no ready explanation for this phenomenon except to refer to the general proposition, supported by considerable data, that voting activity increases with age during one's active career. But it is surprising that a differential should show up so consistently at such ages as these. As for career speed—the time taken to rise to a given rank—information on this factor only further supports the finding of higher voting activity among those with more civilian experience and orientation.

Reviewing Janowitz' proposition in light of the above, all we can say is that this research suggests a new formulation to the effect that "as the vast majority of officers . . . *grow older,* they become increasingly conscious of their political loyalties and preferences, *whatever their rank and whatever their military career commitment.*"

OTHER FACTORS

Can we explain the impact of what is here called "military

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tradition" by any other factors? Or, are there more significant forces than tradition at work? Let us briefly consider such matters as size of birthplace, prior enlisted experience, location of assignment, state of birth, and country of birth.

The first two factors appear to be of little relevance in understanding the voting activity of high-ranking military officers. As for voting regularly, there is only a four per cent range of difference among five groups based on size of birthplace—from twelve to sixteen per cent; the range of those voting occasionally is from thirty to thirty-five per cent.

The voting records of those with prior enlisted or warrant officer experience are almost identical with those having no such background.

The impact of the geographical (as well as position) rotation system is of more significance. But the data tell us little we do not know already—namely, that those overseas vote a little less frequently than those in the United States at any given point in time, and that the rotational system somewhat lowers (by an unknown percentage) all military voting rates. But these findings do not account for the various differentials which are clear from the other data presented above.

Consideration of the locale of birthplace suggests that this is a more relevant factor. First, it is clear that those born in southern states which were part of the Confederacy have somewhat lower voting records than those born elsewhere. The explanation here probably lies in the generally lower voting activity records of all southerners, whether in uniform or not. It would appear that this tendency carries over even into the military rotational system. It is, however, of very minor importance compared to the influence of military tradition.

More interesting—though of equally little significance because of the very small number of cases involved—is the voting activity of the foreign-born compared to native-born officers. This is shown in Table 8 below.

In comparison to other citizens, the only data in Table 8 to give us pause is that for the "foreign-born officer." It is unusual to find immigrants voting more regularly than first generation Americans. This is perhaps accounted for by the relatively high educational level, compared to most im-

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TABLE 8

COUNTY OF BIRTH AND VOTING ACTIVITY

Nativity	Voted Regularly	Voted Occasionally	Voted Seldom/Never	Totals
Foreign-born officer	22%	34%	44%	100% (32)*
U. S.-born officer	18	35	47	100 (230)
Both officer and father U. S.-born	16	28	56	100 (326)
Officer, father, and grandfather U. S.-born	14	34	52	100 (1,467)

* Number of cases in parentheses; total is 2,055.

migrants, of the foreign-born officers dealt with here. The other differentials are in general accord with findings from other studies.[6] It is interesting to know, however, that, while the Air Force contains the highest percentage of foreign-born high-ranking officers (but only 1.9 per cent compared to 1.5 for the Army and 1.3 for the Navy), the voting activity record of the Air Force as a whole is the lowest for the three major services.[7]

Clearly these additional factors add little of significance in explaining the voting activity of American high-ranking military officers between 1944 and 1959.

CONCLUSION

All in all, these findings lead us to three major conclusions. First, the voting activity of our high-ranking military officers has in recent years been significantly lower than that of the voting population at large. If we take into account that the male voting population has a voting activity record at least five per cent higher than the voting population in general, the differential is even greater. For the fifteen-year period studied this averages out to a differential of twenty per cent between the voting record of the military officers (averaging thirty-nine per cent to the polls in any one year) and that of the U. S. voting population (averaging fifty-nine per cent to the polls). This differential is to some extent explained by the geographical and job rotation system of the military.

[6] See Lane, 49.

[7] See note 5 above.

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Second, other evidence indicates clearly that there is also a military tradition working to inhibit voting among our high-ranking officers. This tradition is composed of factors relating primarily to military orientation of family of origin, to academy education, and to long-run career commitment. All of these factors apparently reinforce each other, but each alone is significant in its own right. Other factors such as level of education, socio-economic status of the family of origin, and type of military career appear to be of little or no relevance in explaining the lowest, in comparison to the highest, military voting records.

Finally, it is equally clear that this tradition was declining in effect between 1944 and 1955. During this period there was a distinct rise in voting activity among our high-ranking officers. If we assume a close correlation between voting and other types of political action, then the data in this study support the popular hypothesis, concurred in by Janowitz and others, that the American armed forces have become steadily more politically involved since World War II.

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CONSTITUTIONALISM AND THE JUDICIARY IN FRANCE*

> The restraining power of the judiciary does not manifest its chief worth in the few cases in which the legislature has gone beyond the lines that mark the limits of discretion.
>
> —Benjamin Cardozo

DO FRENCH judges play an important part in defining the constitution of France? The textbook answer is no. At the very time John Marshall finished engraving the idea of judicial supremacy on the tablets of American constitutional law, the highest French court made a classic statement of self-abnegation. On May 11, 1833, the judges of the Court of Cassation refused to accept a defendant's pleading that the law by which he had been condemned was unconstitutional: "The law . . . , debated and promulgated according to the forms prescribed by the Charter, makes the rule for the courts, and cannot be attacked before them on the grounds of unconstitutionality." [1]

Since that time no French court has attempted to void a law as unconstitutional, though many an argument has been advanced before and away from the bar for such a proceeding. Must we then conclude that the textbook answer is

* I am indebted to Williams College and a Ford Public Affairs Grant for making possible a study of the judicial treatment of free speech in France, of which this essay is a part.

1 Cour de Cassation, Chambre Criminelle (abbreviated as Cass. crim.), *Paulin, Gérant du "National,"* May 11, 1833 (date of the decision), *Recueil Sirey* (Paris, 1833), Part 1, 357 ff. Paulin, as publisher of the newspaper *National,* had been found guilty by the Seine Cour d'Assises of "bad faith" in reporting an account of the hearings in the Cour d'Assises itself, an offense defined in the Law of October 8, 1830. He appealed for a reversal on the grounds that the law in question was unconstitutional. Most major court decisions are published in one or more of the following private court reports which are easier to find and which contain more complete references than the official bulletins of the courts themselves: *Recueil Dalloz* (abbreviated as D.H. for *Dalloz Hebdomadaire,* D.P. for *Dalloz Périodique,* or simply D.); *Recueil Sirey* (S.); *Revue du droit public et de la science politique* (RDP); *Gazette du Palais* (G.P.); *Gazette des Tribunaux* (G.T.); *La Semaine Juridique,* also known as the *Juris-Classeur Périodique* (J.-C.P.), followed by the year of volume, the section of the volume, and the page number on which the case begins.

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sufficient, that the French judiciary is a mere appendix of the constitutional system without influence on the spirit and substance of the law of the constitution? I believe we should not. An examination of the evidence is called for. If I admit some here which would properly be rejected in an American court, it is because I am following the more liberal French rules of evidence.

I

For modern peoples a constitution is, virtually by definition, a reflection of justice. Justice seems to involve something more than the law taken by itself. But nearly everyone now shares the view that justice is closely related to legality. As Americans cannot conceive of liberty without the rule of law, so Frenchmen cannot conceive of democracy without *la suprématie de la loi.*

Yet it is easy to find differences between the "rule of law" and the "supremacy of the law." Americans have long been accustomed to thinking that the ultimate protection of rights is to be found in courts of law, and that judges are the most likely repositories of earthly justice. Such a feeling for law provides, or at least has in the past provided, the base on which judicial review rests.

Due to a very different history, most Frenchmen, especially those of republican persuasion, have tended rather to regard the courts as defenders of special privilege, as obstacles to that social justice in which equality is the major value. In their view the only real guarantee of equality can come from the legislature itself, for only the legislature can make general rules applicable to all citizens alike without regard to particular status and function.

This French idea of "equality before the law" suggests why judicial review and judicial supremacy are rejected in French constitutional theory. But just as American attitudes and feelings about the role of the courts have been subject to especially sharp scrutiny in the last fifty years, so have French attitudes and opinions. In one major sense these respective re-examinations differ. The dominant trait of the American reassessment is skepticism if not outright cynicism; we have effectively penetrated the once potent aura of mystery and majesty surrounding the temples of jus-

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tice. In France, conversely, the tendency has been to try to look at the courts in a more charitable way than the customary cynicism of the Latin mind has decreed. Yet in both nations a growing concern for the protection of civil and political liberties suggests that the two judicial systems are caught up in the same broad movement of ideas and institutions.

In France the conviction is spreading that individual rights need more protection than shifting legislative majorities can give them. While few practitioners of the law would maintain that the courts could or should arrogate to themselves alone the task of defending on matters of civil and political liberties, there are many who believe that for too long the French judiciary has minimized its potential influence on the political and social atmosphere. A new concept of constitutionalism has been growing up for half a century. It is one which would consciously involve the judge in the definition of those regularized restraints on power which are the essence of constitutionalism.[2]

Must this new concept mean judicial review in the American sense of the term? I think not. French judicial practice shows that the role of the courts need not necessarily be less effective for want of that dramatic but rare confrontation between judges and legislators which is part of American constitutionalism. It is possible to imagine a judicial role falling somewhere between the traditional self-abnegation of French courts and the pinnacle of judicial power occasionally exercised by the United States Supreme Court. A study of some French judicial decisions may help in suggesting what that position could be.

II

Any discussion of French constitutionalism must begin with a recognition of the profound difference between republican theory and republican practice. One aspect of this difference may be seen in the contrast between the formal and the actual role of the judge.

It has been well said that one of the marks of French constitutionalism is the idea of the effective limitation of

[2] See, for example, the New York *Times*, November 27, 1962; Club Jean Moulin, *L'Etat et le Citoyen* (Paris, 1961), 399 ff.

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state power: "The attitude that the State is the enemy of the individual citizen and is to be thwarted and its power evaded in almost any manner short of armed force is deeply implanted in the French national character." [3] But constitutional theory itself takes no account of this felt opposition between man and state. It assumes rather that the fundamental legitimacy of government is assured by the supremacy of the legislature as an expression of the will of the people.

Such a theory leaves small place for an independent judiciary in the sense which Americans usually give to the idea of "independence." Judicial independence in this sense came to a formal end in 1790 as it had already come to an end in practice in 1770. The judicial system of the *ancien régime* had become highly unpopular many years before the Revolution, not the least because independence had led to such complexity of jurisdiction and jurisprudence that no one could be certain where he stood.[4]

The complete rejection of judicial independence by the revolutionaries in the Constitution of 1791 reflected a long-standing feeling that the separation of powers in the American sense of the term could only be a device to maintain, not destroy, the special interests which lay at the heart of the social system of the *ancien régime*.

Reinforcing practical dissatisfaction with traditional judicial structures and procedures were two of the main philosophic currents of the age. One was the characteristic eighteenth-century belief in the self-evident principles of natural law.[5] The other was Rousseau's notion of the social contract, with its democratic emphasis on the general will of the body politic. These two ideas were combined, however inconsistently, to lay the foundations of a political system in which the legislature became the supreme spokesman for the law as for the people themselves.[6]

[3] William G. Andrews, *Constitutions and Constitutionalism* (New York, 1961), 64.

[4] See A. de Tocqueville, *The Old Regime and the Revolution*, trans. by John Bonner (New York, 1856), especially Book II, Chap. 11.

[5] *Ibid.*, Book III, Chap. 1.

[6] See commentary (*conclusions*) by Commissaire du gouvernement Latournerie in the decision of the Council of State in the *Arrighi* case: Conseil d'Etat (hereinafter abbreviated C.E.), November 6, 1935, *Arrighi*, D.P. (1938), 3.6.

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Within this system, the separation of powers meant in effect the rigid subordination of both executive and judiciary to the will of the people as expressed through the legislature. Putting into practice an idea which had long been inherent in royal absolutism, but which the kings of France had never been wholly able to effect, the revolutionaries tried to destroy the separation of powers by concentrating all powers in the hands of an executive committee demanding complete obedience from judges and administrators alike. And subsequently in a decree of August 16, 1790, they made it clear that the judicial function was one of deciding disputes between private citizens only, not between citizens and their government.

These principles were again affirmed in Chapter V, Article 3 of the Constitution of 1791, and were thereafter, either explicitly or implicitly, a part of all succeeding constitutions: "The tribunals cannot interfere in the exercise of the legislative power, nor suspend the execution of the laws, nor encroach upon the administrative functions, nor cite before them administrators on account of their functions." [7]

Thus did the revolutionary constituents attempt to undo at the stroke of a pen the confusion of governmental powers which they believed had been chiefly responsible for the protection of vested interests under the old monarchy.

In giving expression to the demand for unified, efficient, even-handed government they were clearly in the mainstream of a long-standing French intellectual tradition which prefers abstraction to specific detail, deductive to inductive logic.[8] One effect of such a preference has been the assumption that the general rules of law can be found only by the legislature and not by the judge. For how better can the goals of the law—clarity and predictability—be attained than by making the statement of the law both simple and general? [9]

[7] F. M. Anderson, *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1907* (Minneapolis, 1909), 87.

[8] "To the French mind, generalization is not only a habit: it is a need. And that is why we hold general ideas are more important than facts. . . . Abstraction and generalization are the best means—the only means—of attaining deep truths." Albert Feuillerat, *French Life and Ideals* (New Haven, 1925), 50–51.

[9] "The function of legislation is to establish, through broad vision, the

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The contrast with the traditional common law attitude toward the relative importance of legislator and judge is notable. With Americans, the characteristic feeling is that the maxims of the the law are best found in the opinions of the judges, dealing with actual cases, rather than in the statute dealing in generalities. The common law view, closely related to our preference for empiricism rather than abstract rationalism, assumes that particulars give rise, in and of themselves, to an understanding of general relations, whether this be in the physical world of inanimate objects or the moral world of human beings. In the Anglo-American frame of reference it is not the judge who must justify his activities, but the legislator. The grand theorizer is an object of skepticism because we customarily believe that the truth is more likely to lie with the man who knows by practical experience. Hence, in the Anglo-American legal tradition, it is proper and fitting that judge-made law should be the standard by which statutory law is applied, interpreted, and, if need be, even rejected.[10] But as it has been in the Anglo-American custom to look to the judge as the ultimate source of the law, so it was in the French custom to look to the legislature.[11] From the 1789 theory of law it followed logically that the courts not only had no right to declare acts of the legislature unconstitutional but, more surprisingly, that they had no power of statutory interpretation at all. The general rule is contained in the statute: there is no need to complete or modify it by reference to a judge-made rule arising in some particular case. This is to say in effect that neither inductive logic nor analogy is necessary in the application of the law to a given set of facts:

general maxims of the law; to lay down such principles as are fruitful in their consequences, and not to descend into detail concerning the problems which can crop up in every matter. . . . It is for the judge . . . permeated with the general spirit of legislation, to direct its immediate application." Jean Étienne Marie Portalis, one of the principal authors of the civil code, from Benjamin Schwartz (ed.), *The Code Napoleon and the Common Law World* (New York, 1956), 62. But Portalis' view was rejected as leaving too much discretion to the judge. R. Charles, *La Justice en France* (Paris, 1958), 13, n. 1.

10 See Roscoe Pound, "Common Law and Legislation," in Harvard Law Review Association (eds.), *Introduction to Law* (Cambridge, Mass., 1957), 265–89, especially 268–69.

11 See, for example, A. de Laubadère, *Les libertés publiques* (Paris, 1955), 168–86.

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deductive logic will supply all the needs of the court without reference to previous classifications of facts and rules—in short, without reference to judicial precedent.

In the most general sense, such a theory of the judicial function expresses the philosophical belief that life can be made to correspond directly to words themselves (provided, of course, that the judge has been properly trained to make the correspondence. The French do not believe in amateurism in any realm).[12] The task of the judge is simply to pick out the right set of statutory words to apply to the facts of the case before him.[13]

In terms of philosophical outlook alone, then, the constitutional role of the French judge should be vanishingly small. Barred from being the source of legal rules himself, he must not in any way modify or appear to pass judgment on the stated will of the legislature. He is reduced to a formal position even lower than that of the administrators of the law, for he is denied the possibility of passing judgment upon their actions as well. To him is left an apparently mechanical task of applying legislative rules to the settlement of private disputes.

The fact that the various constitutions of France have never been grist for the judicial mill is a reflection of this state of affairs. These constitutions, and especially the declarations of rights usually attached to them, are unquestionably statements having some bearing on the meaning of justice. And yet technically it is not for the French judge to speak the language of the constitution; his realm is one defined by the statutory law alone.

Therefore, in so far as the citizen has rights which will

[12] In keeping with this general theory of the judicial function the French rules of evidence are less strict than those used in common law courts. The critical task of the judge thus becomes understanding sufficiently the factual situation to apply the right combination of statutory rules. The scope which the common law judge has in finding and distinguishing precedents comes to the French judge in the freedom with which he may hear evidence. See Charles, 15.

[13] Even the revolutionaries recognized the difficulties which such a theory would bring to the administration of the law. Having demanded of the judges that they "have recourse to the legislative body . . . either to interpret a law or make a new one" (Decree of August 16, 1790, Title II, Art. 12 in Anderson, 35) they tried to compensate for judicial inflexibility by the notorious system of legislative "referees," who were to sit in the court to provide the judges with authoritative interpretations of the legislative will.

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be recognized by a court of law, these rights must, in legal theory at least, find their expression in statute. The expressions of constitutional intent and feeling about government suggested in the written constitution ought to have no formal legal significance at all. Resistance to oppression, which the Declaration of Rights of 1793 called "the most sacred of rights and the most demanding of duties," has at best a political and not legal import.[14]

The constituents of the Revolutionary period apparently could not conceive of a government established on republican principles becoming oppressive. So long as the legislature was thought to be the sole institution expressive of popular sovereignty, it was quite unnecessary to provide checks on its actions. The protection of the individual was believed to arise inevitably from the fact that a popular legislature must necessarily make general and not particular rules. So long as legislative rules applied to all classes of citizens equally, no one could complain of deprivation of rights.[15]

But if threats to individual liberty could not arise from acts of the government where, in theory, did they come from? From private citizens themselves, acting for their own interests against the private or collective interests of others.[16]

In the minds of the constituents judicial activity was thus thought of as being only complementary, never op-

[14] In the words of Boissy d'Anglas: "When an insurrection is general it needs no justification; when it is partial it is always guilty." In republican theory resistance to legislative power is authorized only by means of the right of petition. In practice this right has long fallen into desuetude. See *Dennis* v. *U.S.*, 341 U.S. 501 (1951): "Whatever theoretical merit there may be to the argument that there is a 'right' to rebellion against dictatorial governments is without force where the existing structure of government provides for peaceful and orderly change. We reject any principle of governmental helplessness in the face of preparation for revolutions, which principle, carried to its logical conclusion, must lead to anarchy."

[15] See Laubadère, 186; also Art. 6, Declaration of Rights of 1789: "The Law is the free and solemn expression of the general will." Note Tocqueville's comment, 203: "Collectively, the nation was sovereign—individually, citizens were confined in the closest dependence; yet from the former were expected the virtues and the experience of a free people, from the latter the qualities of the submissive servant."

[16] See Art. 3, Par. 6 of the Declaration of Rights of 1791: "As liberty consists only in the power to do anything that is not injurious to the rights of others or to the public security, the law can establish penalties against acts which, in attacking the public security or the rights of others, may be injurious to society."

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posed, to legislative action. In its tutelary capacity the state provides its citizens with the rules and the machinery required for the settlement of disputes between them, for the maintenance of public order. That the citizen should have a legitimate dispute with the sovereign body politic was inadmissible.

During the nineteenth century, legal positivism modified but also strengthened Revolutionary ideas about the "supremacy of the law." As a consequence much contemporary French criticism of the idea of using the constitution, or a Declaration of Rights, as a legal standard to judge the activities of government has a rather familiar ring to American ears. Can the judges have a "representative" role in a democratic society giving them equal or superior status to that of popularly elected officials and legislators? Can a constitution be treated as a legal document in a court of law when its wording is so general that it clearly demands interpretation not merely of legal phrases, but of phrases having the highest political, even philosophical, content? Is not every government official duty-bound to interpret the constitution as best he may in terms of his own job? [17]

Thus, whatever may have been the expectations of the authors of the Declarations of Rights,[18] contemporary French jurists see little reason for giving the courts the ultimate power of constitutional interpretation.[19] This position against judicial supremacy was made with some finality in a well-known 1936 case before the Council of State. The circumstances giving rise to the action were as follows: the plaintiffs believed that they had been illegally deprived of pension and retirement rights granted them by statute. Their complaint arose from the "economy measures" taken

[17] See Georges Burdeau, *Les libertés publiques* (Paris, 1961), 66–69; Laubadère, 184. The latter refers to the history of substantive due process in the United States as an illustration of the difficulty inherent in judicial review. See Pound, and Z. Chafee, *Free Speech in the United States* (Cambridge, Mass., 1941), 6, 42.

[18] In fact there is no evidence that the drafters of the Declaration ever thought in terms of judicial review. The wording itself indicates a concern for morality rather than for legal precision.

[19] Léon Duguit was a major exception. He appeared to believe that laws must necessarily fall into a hierarchy, all derived from a sense of justice. See Julius Stone, *The Province and Function of Law* (Cambridge, Mass., 1950), 350–52; and Laubadère, 154.

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by the Tardieu Ministry as the full force of the depression made itself felt in France. The cabinet had sought and obtained from the legislature authority to take economy measures by decree-law. On the strength of this authority it retired certain state employees before the ordinary age and cut the pensions of war widows.

Two of the injured parties brought suit against the government. Their most novel argument, in terms of French constitutional law, was that the legislature had had no right to delegate authority to make budgetary cuts to the executive in the first place, because delegations of legislative power were intrinsically forbidden by Article 1 of the constitutional law of February 25, 1875, which states in part: "The legislative power is exercised by the two Assemblies, the Chamber of Deputies and the Senate . . . ."

In dealing with this assertion the Council of State stated only that, "In the present state of French public law, this method [of seeking a determination of the constitutionality of the law] is not of a kind which may be raised before the Council . . . ." [20] The basis for this terse remark must be sought in the summary of Commissaire du gouvernement Latournerie's presentation of the case. Before rejecting judicial control of the law's constitutionality he presented the then current arguments for its exercise:

> Since that distant era [11 Fructidor of the Year V] when the Court of Cassation condemned an attempt at [judicial] control under the cover of the Constitution as the most serious of errors, [our] view of both the law and the powers of the judge has been considerably modified. . . . [The latter] may even have come to a task . . . which while clearly subordinate to, is nevertheless independent of the work of the legislator. . . .
>
> If there was once a time when it was possible to suppose that the judiciary wanted to perform legislative functions, such a time has undoubtedly long since passed. Criticism today is more likely to come . . . from those who believe the judiciary to be too discreet and reserved.
>
> If the view—fatal to [judicial control]—that the State is the exclusive source of law continues to have its partisans . . . new theories in which the State is subject to law even in domestic affairs . . . are now being brought to light.

[20] C.E., November 6, 1936, *Arrighi, Conclusions* Latournerie, D.P. (1938), 3.1–8.

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> And although [statute] law continues [to be the basic source] of legal rules, time has seriously weakened the quasi-oracular view of it widely held a century ago.[21]

Yet in spite of these changes in outlook Commissioner Latournerie rejected the idea that the constitutionality of the law could be the subject of a debate before the Council of State:

> Constitutional law is certainly as much within the power of the judge's interpretation . . . as ordinary law. But [the Council of State's] jurisprudence in the *Heyriès* case [22] . . . did not constitute an appreciation of the validity of a statutory act, but only of an administrative one, in which the suspension of the statute was provisionally undertaken.
>
> Furthermore, if, in spite of the progress made in the extension of his control, the judge . . . has disarmed the prejudices which once held him in suspicion, it would nevertheless be both futile and dangerous to risk everything jurisprudence has now managed to acquire by attempts at further extending [his] control. However weakened those absolute ideas on the sovereignty of the law may be, it is still true that in theory as well as in practice Parliament remains the expression of the general will. . . .
>
> Practically speaking, in any case, what advantages could we expect from [judicial review]?
>
> In order that there be some, the higher law would have to have a substantive content with respect to individual rights. Now if we put aside the declarations of rights—and that is

21 This quote is taken from Latournerie's commentary, reprinted along with the Council of State's decision in the *Recueil Dalloz*. Important commentaries by the Council of States' commissaires du gouvernement are invariably included in the various private court reports such as *Dalloz* and *Sirey*. C.E., November 6, 1936, *Arrighi*, D.P. (1938), 3.1. The chief role of the commissaires du gouvernement is now to speak for the law as they see it. They do not necessarily take the state's case but may, if they believe it correct, take the private citizen's. See C. J. Hamson, *Executive Discretion and Judicial Control* (London, 1954), 79–81, who calls them "the embodied conscience of the court"; Charles E. Freedeman, *The Conseil d'Etat in Modern France* (New York, 1961), 67–68, 137; R. David and H. de Vries, *The French Legal System* (New York, 1958), 20–21, 39.

22 C.E., June 28, 1918, *Heyriès*, S. (1922), 3.49, n. by M. Hauriou. Latournerie is arguing that the *Heyriès* case is not a precedent for invalidating a statutory act on the basis of constitutionality (as Professor Hauriou had argued) but only suggests that in times of emergency the administration may act in ways which would in normal times be considered illegal. See M. Long, P. Weil, and G. Braibant, *Les Grands Arrêts de la Jurisprudence Administrative* (Paris, 1962), 132-33.

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> what must be done, it seems [23]—then our constitutional texts contain little more than procedural provisions without relevance to private interests. . . .
>
> We must be resigned, at least provisionally, to the fact that certain parts of the law . . . rest in an imperfect state without legal sanction, even at the expense of theoretical harmony and . . . apparent justice.
>
> Although restricted to a field which many appear less broad than desirable . . . the role of the judge is not thereby entirely fruitless. The rules of law brought to light by a strong jurisprudence will sooner or later . . . have a salutary influence beyond its immediate scope, as by a kind of radiation. That is the only role, we believe, which your jurisprudence . . . may have outside your own domain of administrative activity.[24]

However provocative we may find M. Latournerie's reservations about "the present state of public law" we may nevertheless conclude that his opinion decisively rejects formal judicial review; since 1936 no French court has ever come any closer to dealing specifically with this problem.

From the point of view of politics, progress toward judicial review has been even less marked. When the idea of judicial control was brought up in the constitutional conventions of 1945, a majority of the constituents rejected it. To social-minded progressives, as most of them were, the idea of the courts' being able to hold up social legislation was anathema. They put a highly unfavorable interpretation on the history of the U. S. Supreme Court and the New Deal. More fundamentally, they believed that the authors of a constitution could catch the political spirit of a country in but a transient manifestation. To refer all legislation to the courts would, they believed, oblige future parliamentarians to fall back on the amendment process too often for the good of constitutional and political stability.[25]

Even if the delegates in 1945 had shown themselves more willing to consider the possibility of judicial review, the

[23] A reference to the fact that the so-called Constitutional Laws of the Third Republic contained no declaration of rights.

[24] From Latournerie, see note 21 above.

[25] Marcel Mignon, "Le contrôle juridictionnel de la constitutionnalité des lois," *Dalloz Chronique*, XI (1952), 49–50; Philip Williams, *Politics in Post-War France* (London, 1954), 306–08.

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task of putting a declaration of rights on a firm legal footing would have been virtually insurmountable. The diversity of views concerning the content of even a non-legal definition of rights produced so much conflict that only the vaguest kinds of statements were acceptable. In the end the only practicable thing to do seemed to be to restate faith in the 1789 Declaration, and to add some very general social and economic provisions whose legal validity would have to depend largely on further statutory elaboration.[26]

The merely logical conclusion to be drawn from these factors, whether philosophical, legal, or political, is that French courts have no constitutional role to play. Not a few postwar judicial decisions would tend to substantiate such a conclusion. And there are no cases either old or new clearly illustrating an admitted judicial use of constitutional principles to limit the effect of statutory provisions.[27]

III

Yet the case for assuming the judges' role to be unimportant in France is not so clearly established as the foregoing appraisal appears to warrant. A number of influences have been at work to enlarge the scope of the judicial task, some of long standing, some of recent date. Most basic is the fact that even the mere "application of the law" to specific instances requires a judicial process in which constitutional considerations are bound to intrude.

That French courts have been loathe to examine this aspect of their work for obvious political reasons should not mislead us. The myth of legislative supremacy has long roots in French history, and it continues to have great support from the continuing utility of legal positivism. But neither myth nor superficial appearance can altogether obscure reality. There is evidence suggesting a wider realm of judicial activity than that allowed by constitutional theory alone.

[26] The major exception to the rule of statutory elaboration appears to be the "right to strike," which has been upheld in several civil courts as well as in the Council of State, in spite of the failure of the legislature to pass more than the most fragmentary law on the subject. See Charles, 49, n. 1; C.E., July 7, 1950, *Dehaene*, Rec. (*Recueil Lebon*), 426; S. (1950), 3.109; D. (1950), 538; RDP (1950), 691.

[27] See Mignon, 49–50.

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Most obvious is the presence of a long tradition of jurisprudence represented in the collections of court records. If the statutory rule were the only source of the law, such collections would have little interest. But even in France judicial decisions form a sufficiently important part of the legal system, and of the law, to warrant the keeping of voluminous records, and the publication of these records with extensive and learned commentary.[28]

A study of French jurisprudence and its accompanying commentary shows immediately that courts at all levels and of all kinds recognize the existences of certain general principles of law which are not part of the statutory record, and which it is the peculiar function of the courts themselves to elaborate and apply. In short, French judges may often be as much a source of law as their American counterparts, even though their own interpretation of the judicial function has tended to obscure the fact.[29]

Given the customary view of their role, how has this development come about? Americans, who, thanks to their common law background, have long been analyzing the judge's task, should have little difficulty in answering this question. Statutory acts can indeed be as much subject to interpretation as written constitutions. This is especially true of those statutes which try to define the limits of such a basic social activity as communication, as does France's Press Law of 1881. Codes of law do not necessarily simplify the judge's work very much, even when they have pretensions to being complete. In the final analysis the use of statutory acts requires as much skill as the use of precedent. Language is language, and its limitations are the same whether it emanates from a legislative or judicial proceeding.

Even superficially much of the legal life of France is not determined by the codes at all, but falls within a realm whose rules are defined as much or more by jurisprudence as by legislation. This may be true sometimes even in an area nominally under a strict code system, such as the area of criminal law. Since the criminal law clearly deals with

[28] Judges are required by law to provide the reasoning underlying their decisions; Law of April 20, 1810, Art. 7. See note 1 above.

[29] See David and de Vries, 19–20; R. C. K. Ensor, *Courts and Judges in France, Germany, and England* (London, 1933), 45–46, 51.

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contests between private and social interests, and since it is clearly a function of goverment to protect both, the decisions of the courts in disposing of criminal actions require the judges to call upon principles lying outside the mere definition of crime. For example, such concepts as "order," "good morals" (*bonnes moeurs*), and "the security of the State," used in that part of the Press Law defining *"crimes et delits commis par voie de la presse,"* beg for judicial interpretation.[30]

As Justice Holmes pointed out long ago, the reaching of a judicial decision requires the use of "subtle intuitions." Precedents or statutes taken wholesale can probably raise such intuitions to a conscious level; this indeed is the source of their utility. But the act of judging nevertheless involves a highly complex activity, requiring a good many different kinds of intellectual processes. The facts of social life are far too disorderly and various to be circumscribed simply by words. The skill of the judge is ever a vital factor in the law.[31]

Furthermore, relatively few legislative acts are self-enforcing. Most have to be interpreted and put into effect by the action of officials. If the actions of government officials charged with executing the law are held to be reviewable in the courts there is a distinct possibility of a conflict of interpretation arising between the official and the judge. Practically speaking, the power of the courts to declare unconstitutional an act of the legislature, while more striking, is less significant to the daily functioning of a legal system than their power to declare the act of a government agent not in keeping with the law. In conflicts of interpretation, what is important is that the courts have an independent final say. This is the situation which exists in theory in France.[32]

Recognition of the judge's importance is implied in Latournerie's argument in the *Arrighi* case. No doubt the political facts of life alluded to in this opinion have made judicial reticence in these matters the better part of valor.

30 See Burdeau, 234.

31 See Morris Cohen, "The Place of Logic in the Law," in *Introduction to Law* (Cambridge, Mass., 1957), 90–107, especially 102.

32 An exception to this rule is made for foreign policy and for relations between executive and legislative branches. See Long, Weil, Braibant, 14–19.

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The development of the French judicial system has, after all, been marked by the most overt political pressures. Given the revolutionary background it is not surprising that positive law should have sometimes become the plaything of "revolutionary legality." [33] But it would be a mistake to assume that as a consequence the French judicial tradition is one of nothing but servility to the existing power, or that the judges have ever been at the beck and call of transient causes.[34]

Indeed nothing illustrates the courts' struggle for independence better than the history of the Council of State, France's highest judicial body for administrative law. The theoretical basis for such administrative law is, of course, *raison d'état*—the belief that the public interest is not only superior in degree but in kind to any private interests. The long-standing reluctance of lawyers in the common law tradition to find much in favor of it is thus understandable. Tocqueville sums up their sentiments in remarking that the creation of administrative courts after the Revolution did little to help the cause of liberty: "Before the Revolution government could not come to the rescue of its agents without having recourse to arbitrary and illegal measure; since then it has been legally authorized to let them violate the law." [35]

But in Tocqueville's time the Council of State was not very different from what it had been under the first Napoleon. The Second Empire took advantage of both its judicial and administrative functions largely in search of a tyrannous efficiency. Yet the very existence of the Council under even the most authoritarian regimes is a backhanded tribute to the spirit of independence of the ordinary magistrates and ordinary courts. In spite of their association with and dependence on those in power, they could never be trusted to do the state's bidding. It was always felt that special courts were necessary to protect the government from

[33] See Tocqueville, Book II, Chap. 6 for a comment on the French irreverence toward the law and its causes.

[34] This critical point of view is stated in the *Annual Report of the American Bar Association,* LXIII (Chicago, 1938), 331. The system of administrative courts in France is here claimed to be the result of an effort to obtain judicial review of administrative acts.

[35] Tocqueville, 75–77.

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private interests, and that the ordinary courts were too representative of merely private interests to perform this protective function adequately. In a country whose judicial history has been marked by the creation of special courts (the Fifth Republic is no exception to the rule), the Council of State was once a "special" court par excellence.

Yet its very capacity for survival meant that sooner or later it would develop a professional point of view of its own. The Third Republic started at a period in time in which its own unique brand of democracy could take advantage of such a point of view. For once politics played a positive role in helping to establish one form of judicial independence.

It had a function not unlike that which resulted in the "colonization" of American courts by the Federalists prior to the Jeffersonians' coming to power in 1801. Just as the Federalists, representing the substantial interests of the American community, felt it necessary to have a bulwark against radicals in power, so French conservatives in the early years of the Third Republic sought ways to protect themselves from a government which they thought was likely to be inimical to their interests.[36]

The Council of State, associated with an authoritarian elite and with the privileges of the upper classes, found itself in a new position with respect to government almost

[36] On the critical question of who was to appoint Councilors of State, the executive or the legislature, the Assembly reversed itself between 1872 and 1875. The reversal appears to be due largely to Thiers' resignation in 1873, and his replacement by Marshall Macmahon. The Bonapartists and legitimists voted to give the appointment power to the Assembly in 1872 because they had a majority in it, and they disapproved of Thiers' rapprochement with the Center and Left. With Macmahon in the presidency and the threat of Republican victories to come they changed their view. The Center and Left voted for executive appointment in both instances apparently because they approved of Thiers and because such appointment seemed appropriate in view of the fact that to them the Council of State was to be a strictly administrative agency, not a legislative one. See Freedeman, 24–27 and 176, n. 42. It appears that the Council of State's most positive indications of independence were first related to the status of private property, in which its relatively laissez-faire views conflicted sometimes with the administrators' *étatiste* one. Of course support for *laissez faire* was widespread in France among all property owners, Republicans and Radicals as well as legitimists. As in the United States during the same era, public regulation of private property was more often called for by units of local government than by national legislation. The Council of State broadened its jurisdiction in order to control acts by local government in the *Feutry* case, T.C., February 29, 1908, S. (1908), 3.97, *conclusions* Teissier.

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from the beginning of the Third Republic. Deprived, thanks to the establishment of a popular assembly, of the legislative functions constituting the core of their work under the Second Empire, and alienated from the populist political tendencies of the time, the members of the Council found themselves in both moral and practical circumstances allowing them to develop a politically independent outlook by means of their jurisprudence.

The substance of this outlook, expressed in series after series of decisions, makes up a major part of what Americans would call constitutional law. Sooner or later the Council of State has had to deal with nearly every basic question relating man to the state. Its jurisprudence has, by definition, been one of constitutional importance.

True to its pluralistic origins, the Third Republic thus allowed the expression of judicial views which did not always correspond with the dominant representative forces in its elective branches, views which were on occasion to prove an embarrassment to those in power.[37] Under the Third Republic the task of defining and interpreting the constitution became a shared one to a larger extent than had been true at any time since 1789, the courts being one of the major institutions providing such interpretations.

IV

The foregoing account suggests that in studying French constitutionalism one may profitably attempt to discover and enumerate the "subtle intuitions" of the judges. In cases involving free speech one's first reaction is naturally to ask whether the declarations of rights constitute a basis for such premises. It has already been shown that these declarations do not necessarily have any positive legal value, and are not ordinarily considered by French courts to be superior to statutes.

On the other hand, there is widespread agreement among French commentators that the declarations do have indirect legal effect.[38] At the least they have become part of the

[37] David Thomson, *Democracy in France* (2nd ed.; London, 1952), 59–60, 98–101.

[38] Laubadère, 161–63; A. Morange, "Valeur juridique des principes contenus dans les declarations de droits," RDP (1945), 229.

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intellectual baggage of the judge. The very fact that they are hortatory suggests that they are to be taken into account by all men, including the judges.

In the search for the elements of the judge's conscience, the path has in part been laid out by the work of the courts themselves. It has already been suggested that the "general principles of the law" have played an important role in making articulate, hence communicable, what was once only inarticulate.

A theory of the general principles of the law first made an appearance during the nineteenth century, when the courts felt the major problem to be the interpretation of the civil code. The application of this complex code to a society in the process of industrialization seemed to require appreciation of the spirit which lay behind the code itself.

But a task which first seemed desirable and fruitful in the application of the detailed provisions of the civil code became absolutely indispensable in the realm of public law, for the latter was necessarily far less complete. Even the criminal code, in spite of the long-standing judicial tradition in favor of strict interpretation, has undergone an analogous process of judicial elaboration,[39] especially in those cases where its application has become entangled with the matters of rights and liberties.

The elucidation of the general principles of the law in the constitutional realm has increasingly become a self-conscious task on the part of the courts. Prior to the Second World War, few specific judicial references to such principles are to be found, partly because of the judge's traditional unwillingness to claim a law-making function, partly because it was assumed that these principles were more or less inherent in all the activities of French institutions.[40]

But the shocks occasioned by the collapse, the Occupation, and the uncertainties of the postwar period tended to release the judges from their usual feelings of self-restraint, and to force upon them recognition of the need for clear statements of what they had formerly assumed to be the self-

[39] Charles, 11.

[40] Maxime Latourneur, "Les 'principes généraux du droit' dans la jurisprudence du Conseil d'Etat," *Etudes et Documents*, V (1951), 22; Jean Rivero, "Le juge administratif français: un juge qui gouverne?" D.H. (1951), *Chroniques*, VI, 21–22.

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evident features of the "rule of law." The postwar task of the judge has therefore been to elucidate the general principles with sufficient form and clarity to make them useful both in the interpretation of statutes and in providing the constitutional limitation on administrative authorities.

The controlling of administrative acts, because more directly a function of the jurisprudence of administrative courts than of statute law, has seemingly been more generative of these principles in the twentieth century than has the work of the ordinary courts. But even with the latter some explicit principles have been held to inhere in statutory provisions, whether or not the legislator has specifically inserted them. The difference, if difference there is, between the work of the ordinary and the administrative judge is that the former may believe himself obliged to look for his general principles in the interstices and spirit of the code, while the latter has sought his in "a general conception of man in his relationships to power." [41]

In the evolution of the general principles of the law from implicit acceptance to explicit statement the Vichy and Liberation experiences were of critical importance. The judges were faced with the problem whether to undertake a substantial revision of the philosophic bases underlying their traditional jurisprudence or simply to treat the laws of these provisional regimes as exceptional derogations from the liberal principles inherent in their prewar decisions. It would appear that they instinctively chose the latter course.

But this choice necessitated some explicit statements of the principles with respect to which the Occupation and Liberation rulings were considered exceptional and temporary. In order to provide a legal base for the re-establishment of a more democratic regime after the war, the judges had to enumerate the ideas which they considered necessary to legal tradition.

One major analysis of this postwar judicial undertaking provides the following categories of principles: [42]

(1) The traditional ideas underlying the liberal view of 1789: the separation of powers, the equality of all citizens

[41] Rivero, 21; David and deVries, 46.

[42] Rivero, 22–23. Also Letourneur, 19–31; and Roger Pinto, *Droit administratif spécial* (Paris, 1960), *passim.*

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before the law, respect for individual rights and freedoms, including some measure of free economic enterprise, respect for freedom of conscience in the sense of the strict religious neutrality of the state.[43]

(2) Principles borrowed from civil procedure and private law because they appear inherent in any system of legal order: non-retroactivity of statutes and rulings, judicial or administrative, financial responsibility for damages, respect for the authority of each judicial decision in any given case (*autorité de la chose jugée*), requirement of fair hearings for all parties before the imposition of sanctions, respect for judicial impartiality.

(3) Principles derived from what the French call "the nature of things": the "internal logic" of existing institutions, the demands of social life aside from all ethical considerations; maintenance of public services, the rule-making authority of departmental heads, the use of special rules for exceptional circumstances.[44]

(4) Principles based on certain ethical requirements derived neither from the statements of 1789 nor the rules of private law but rather from the moral sense of the age, such as the idea that all administrative activity must come within the limits of the general interest, and the rule that loyalty to one's service and job requires a fair rendering of one's motives of action in judicial hearings—in brief, the principle that the administration "shall not lie."

It must be borne in mind that the principles falling within one or another of the foregoing categories have a pre-eminent place in the judge's mind, pre-eminent even to the extent of being supra-legislative. Though not used to negate statutory provisions directly, they are nevertheless applied in such a way as to limit unacceptable legislation in several ways.

First, the judges assume that all statutory law is inspired by a respect for the general principles, and will therefore interpret both statutes and administrative rulings as though this in fact were the case, unless the legislators have very ex-

[43] René Cassin, "Le Conseil d'Etat, gardien des principes de la Révolution française," *Revue internationale d'histoire politique et constitutionnelle* (January-February, 1951), 54 ff. Cassin, a vice-president of the Council of State, considers protection of civil and political rights its most important work.

[44] Letourneur, 29.

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plicitly manifested their will to the contrary.[45] Second, if a statutory provision does run directly counter to a judicially defined general principle the court will take such a statute as a special exception to be interpreted and applied in as restricted a manner as possible. In this way the authority of the principle is partially protected from statutory derogation, since the practical field of the statute is limited by the method of judicial construction according to which any exception to a general rule is subject to strict interpretation.[46]

Finally, a "rule of necessity" plays an important part in the maintenance of the judicial realm of action. There is unquestionably a close connection between the "theory of exceptional circumstances" and the rise of the general principles in the Council of State's jurisprudence. The theory of exceptional circumstances has been invoked many times by the judges to support the validity of an administrative act which is clearly illegal in terms of statutory law.[47] The basis for such decisions is that unusual conditions make valid actions which would not be acceptable in ordinary times, and that practically speaking the courts must be the final judges of whether or not such unusual conditions exist.[48]

While the greater part of the foregoing analysis is based on recent studies of administrative jurisprudence, it is evident that the ordinary courts also operate sometimes on the basis of general principles. In cases involving free speech, one such general principle of the ordinary courts is particularly significant: the criminal law shall be strictly interpreted.[49] Because the Press Law of 1881 and its succeeding modifications are appended to the criminal code, the courts, by their own self-imposed rules of behavior, are duty bound to limit the effect of these statutory restrictions to the minimum. Yet because the subject matter of such cases clearly

45 See, for example, C.E., May 30, 1930, *Chambre syndicale du commerce de Nevers,* Rec. 583; S. (1931), 3.73, *conclusions* Josse, n. Alibert; RDP (1930), 530. Also Long, Weil, and Braibant, 183–86.

46 For example, C.E., February 17, 1950, *Ministre de l'agriculture c. Dame Lamotte,* Rec. 110; RDP (1951), 478, *conclusions* Devolvé, n. Waline.

47 Long, Weil, and Braibant, 130.

48 See C.E., April 16, 1948, *Laugier,* Rec. 161; S. (1948), 3.36, *conclusions* Letourneur.

49 See Roger Pinto, "La protection des droits par les jurisdictions judiciares," *Etudes et Documents,* III (1949), 24.

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can be of constitutional importance, the judges are also constrained to think in terms of principles other than that of strict interpretation. Hence within the body of free speech (and other individual rights) jurisprudence there are constant tensions between modes of interpretation and application. From these tensions one may draw out some basic considerations of the French constitutional order.

V

One task of students of French law is therefore similar in its aims and methods to that undertaken by students of American law. It is a task best illustrated in cases involving individual rights. Although such cases in France are in terms of statutory rather than constitutional provisions, they involve the judges in the kind of problems which their American brethren are familiar with. In both communities there exists a widespread feeling among law practitioners that individual rights do, or at least should, enjoy a privileged position in the hierarchy of positive law.

It is up to the judges to give practical effect to this feeling. They must do so on their own account, for they have no constitution or legislation which tells them how to rank private rights and collective needs either in particular or in general.

True, French judges are under the law. But in the realm of civil liberties the law is indefinite, because the practical meaning which it will take depends ultimately on the appreciation of the facts to which it is applied. The damages suffered by the individual and his community, when they come into conflict over rights of opinion especially, are likely to be psychological or hypothetical damages which are impossible to quantify and difficult to balance. The law in this realm probably cannot escape having a special and potentially dangerous plasticity.

The best protection of the citizen's rights is no doubt to be found in the solicitude for them on the part of administrative officials. Judicial effectiveness must in part be determined by its capacity to influence future relations between the citizen and the public official.[50] The courts must help to create

[50] Commenting on the task of the Council of State as a protector of civil liberties, Burdeau writes, "[The good results] are due to the feeling for

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an atmosphere supportive of a general respect for rights inside government and out. If the private citizens constantly have to validate their rights in the courts, we may reasonably suppose that these rights are not being well protected in everyday practice.

It is at this point that we must squarely face the problem of the role of French judges in the definition of constitutional restraints on power. From what has been said above, I believe we may fairly conclude that at least their power of definition is similar to that of their American counterparts. It is for them to decide what the terms of the law mean in any given case, and in the process of making that decision they must fall back both on the procedural formulas traditionally provided only by their profession and on their own philosophic preconceptions.

Whether, on the other hand, judicial decisions really stick in the sense of being controlling of future administrative action and guiding of future legislative action is a much more difficult question. Interestingly enough, the free speech jurisprudence of neither the ordinary nor the administrative courts seems to have much share in the sources of learned commentary on the law.[51] While there is a growing interest in the field among professionals it is not clear whether that interest will spread to important segments of the public. Some experts in the field do not interpret the relative paucity of free speech cases as an indication that all is well with free speech in France. It is sometimes lamented that in the hierarchy of legally protected rights those associated with property are better cared for than those associated with freedom of ideas.[52]

legality which the Council has been able to impart to the French bureaucracy, but their fragility would immediately become apparent if poorly drafted, perhaps even oppressive, legislation should . . . reawaken the old administrative instinct for absolutism." Burdeau, 57–58; Jean Liempens (ed.), *Rapports généraux au V^e Congrès international du droit comparé*, II (Brussels, 1960), 596: "The State is the keeper of public order . . . [But] every public agent believes his mission to be more important than the obstacles in its path. The very nature of the governing function inclines . . . the representatives of the public power to this conviction."

[51] For example, the prewar work of Henri Capitant, *Les grands arrêts de la jurisprudence judiciare* (Paris, 1937), did not include a single case bearing on free speech. A new edition will shortly appear, and it seems unlikely that the subject will be overlooked this time.

[52] Pinto, *"La protection des droits,"* 28.

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It is reasonable to assume in this connection that the form of French judicial opinions is not as conducive as it could be to the publicizing of suitable limits. Since these limits must be more pervasive in society than judicial decisions taken by themselves alone, the formal and succinct style of French opinions, combined with the small place given the study of case law in academic courses, militates against publicity for the kind of reasoned argument which should be the courts' stock in trade. That the judges themselves are beginning to take a broader view of their own functions, and that there is an increasing number of studies of the judges' work among legal practitioners, augur well for the future. Once the judges have begun to see their own work as a legitimate source of the law, it would appear likely that they should tend consciously to create that "strong jurisprudence" which, in Commissioner Latournerie's words, "will sooner or later . . . have a salutary influence beyond its immediate scope, as by a kind of radiation." [53]

As a spur to such a development, a reassessment of the moral validity of legal positivism is well under way.[54] This trend is intimately related to new examinations of the meaning and methods of democracy set off by the collapse of the Third and Fourth Republics.[55] Republican theory—a united nation triumphing by the strength of its own logic over the forces of disunity—appears to have lost some of its relevance in the minds of knowledgeable people, and the door has been opened to discussions the basis of which is acceptance of a give and take among the many interests of the body politic. While de Gaulle's regime, with its myth of the national interest and the purposiveness of the state, may provide a psychologically necessary breathing spell for a nation which has known too many *bouleversements* in a generation, it is improbable that his towering figure will block the long view of historical change.

As a consequence, I believe we should do well to take in their largest sense the words of David Thomson: "The formal constitution of the Third Republic is even more signifi-

[53] C.E., November 6, 1935, *Arrighi*, D.P. (1938), 3.1.

[54] See H. Motulsky, "De la philosophie et de la science du droit en France," in *Etudes du droit contemporain* (Paris, 1959), 205–07.

[55] For example, by the Club Jean Moulin in *L'Etat et le Citoyen*.

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cant for what it leaves unsaid, and takes for granted as being automatically carried forward, than for what it explicitly mentions." [56] One good place to look for those things "automatically being carried forward" is in the work of the judges. Their opinions can tell us much about the relations between the French citizen and the society in which he lives.

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[56] Thomson, 55.

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NUCLEAR SHARING IN NATO AND THE MULTILATERAL FORCE *

> How do we meet a growing but still somewhat confused and conflicting desire among our European allies for a broader sharing in the control of nuclear weapons?
>
> How can the alliance as a whole be assured that such weapons will be available to them in all reasonable circumstances for their defense, the defense of Europe?
>
> —General Lauris Norstad, SACEUR
> (August 1959)

THE problem of nuclear sharing and the control of nuclear weapons lies at the heart of the current crisis of confidence in NATO. Behind the problem loom two general factors or conditions, one political and one military. The first factor is the economic and political resurgence of the nations of Western Europe, which has sharpened their sense of sovereignty and has strengthened their desire to be less dependent on the United States for nuclear defense. A second factor, the achievement by the Soviet Union of nuclear parity with the United States, makes both the United States and Western Europe increasingly vulnerable to Soviet attack and presents new opportunities for a flexible Soviet strategy of peaceful coexistence, which includes the threat of nuclear blackmail.

These conditions have aroused two fears on the part of the European allies. One is that the United States will no longer risk destruction of its cities to come to the defense of Western Europe with strategic nuclear weapons in case of Soviet attack, *or* that the Soviet Union may think that the United States will no longer take such a risk. A second European fear concerns NATO strategy. The new emphasis on conventional forces in NATO strategic doctrine has raised the specter that any future Soviet attack on Europe

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might lead to large-scale conventional warfare on European soil with the accompanying destruction, misery, and occupation which memories of World Wars I and II so vividly recall.

These fears are compounded by a further military factor. The Soviet Union enjoys a superiority over the United States in medium-range ballistic missiles. Soviet forces are estimated to have 600–800 MRBM's, with ranges of 700 to 1,100 miles, and most of them are targeted on Western Europe. Since the dismantling of the obsolete U. S. Thor and Jupiter missiles formerly stationed in Britain, Italy, and Turkey, there has been no European equivalent to the Soviet MRBM capability—except the American Polaris submarines "assigned" to NATO, which remain under complete American control. This has increased European concern about the danger of Soviet nuclear blackmail. Many Europeans feel that there is a real need for MRBM's in the Western European area, and this view has been supported by two NATO Supreme Commanders, Generals Norstad and Lemnitzer.

The problem of nuclear control and sharing is not, however, primarily a military problem. In strictly military terms, it can be argued that the alliance would be best served by a continuing nuclear monopoly in the hands of the United States. But many Europeans feel that such an American monopoly is no longer fitting or acceptable for the long term. They are not happy with the position of Europe within the NATO alliance. They want a greater and more self-respecting role in the control over nuclear forces and in the conduct of NATO strategy. The development of the British and French nuclear programs has been motivated in large part by such feelings. As Robert E. Osgood has written:

> No contemporary military problem illustrates more poignantly the political ramifications of military policies than the problem of the control of nuclear weapons in NATO. . . . The control of nuclear weapons in NATO constitutes a serious problem for political reasons, most directly, and for military reasons only indirectly. For it is principally a problem of sustaining mutual confidence among allies, of accommodating vital interests, and of satisfying demands of national equity and pride—of achieving these political ends,

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essential to the cohesion of the alliance, by adjusting the terms of military collaboration.[1]

The problem is to devise a system for the sharing of control over nuclear weapons in the alliance which will help to strengthen NATO's political cohesion and facilitate the achievement of a strategic consensus among the allies, while at the same time avoiding the dangerous instabilities inherent in the proliferation of national nuclear forces.[2]

In the current debate on the nuclear crisis in NATO, four broadly alternative solutions to the problem of nuclear sharing and European security are most frequently discussed. These are: (1) support for independent national nuclear forces; (2) a jointly controlled European nuclear force; (3) a jointly controlled NATO or Atlantic nuclear force; and (4) increased allied participation in NATO's strategic nuclear planning, often referred to as nuclear *contrôle*.[3] The fourth alternative often includes suggestions for the reform of NATO structure and machinery.

U. S. POLICY ON NUCLEAR SHARING AND THE MLF PROPOSAL

Aside from continued nuclear assistance to Great Britain, the U. S. government has adopted three policies in an effort to provide greater nuclear sharing to the other European allies. First, it has given its NATO partners a share in the

[1] Robert E. Osgood, *Nuclear Control in NATO* (Washington, D.C., 1962), 1.

[2] In addition to the work by Osgood already cited, see the following for a general treatment of the problem of nuclear sharing and alternative solutions: Albert Wohlstetter, "Nuclear Sharing: NATO and the N + 1 Country," *Foreign Affairs*, XXXIX (1960–61), 355–87; F. O. Miksche, "The Case for Nuclear Sharing," *Orbis*, V (1961), 292–305; A. L. Burns, "NATO and Nuclear Sharing," in Klaus Knorr (ed.), *NATO and American Security* (Princeton, 1959), 151–75; Glenn H. Snyder, *Deterrence and Defence* (Princeton, 1961), 146–224; Robert E. Osgood, *NATO, The Entangling Alliance* (Chicago, 1962), Chaps. 8 and 9; Alastair Buchan, *NATO in the 1960's* (New York, 1963), *passim;* Malcolm W. Hoag, "Nuclear Strategic Options and European Force Participation," in R. N. Rosecrance (ed.), *The Dispersion of Nuclear Weapons* (New York, 1964), 222–58; François de Rose, "Atlantic Relationships and Nuclear Problems," *Foreign Affairs*, XLI (1962–63), 479–90; and the plethora of other articles which relate to the subject.

[3] This is the French concept of "control." The English word connotes physical possession of the weapons and control over the firing button. The French word *contrôle*, on the other hand, means access to and participation in the planning and policy-making—in this case relating to military strategy, especially nuclear strategy. This distinction has been stressed especially by Alastair Buchan.

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strategic planning and targeting of American strategic forces, especially since the NATO meeting at Athens in May 1962. Second, it has "assigned" nuclear submarines to NATO, subject to agreed NATO guidelines. This has been largely a symbolic gesture. Third, it has proposed—and advocated with varying degrees of intensity—the creation of a NATO multilateral nuclear force (MLF).

The MLF proposal has had a checkered history. It had its origins in a secret State Department study on NATO, written primarily by Robert R. Bowie during the summer of 1960. In December 1960, at the meeting of the North Atlantic Council in Paris, it was officially presented to the allies by Secretary of State Christian A. Herter as a "concept" for discussion. More recently the proposal was revived, although in a most confused manner, in the Nassau Agreement of December 1962. Intensive discussions with the European allies followed in the spring of 1963, led by Ambassador Livingston T. Merchant. Since October 1963, a working group composed of the NATO ambassadors of eight interested member countries has been meeting in Paris and conducting technical discussions on the MLF.[4] These talks continued throughout 1964. At the time of this writing President Johnson had just met with Prime Minister Harold Wilson to hear the details of a British proposal for a broader Atlantic nuclear force which might include an MLF as one of its parts. A new round of diplomatic discussions among the NATO allies was expected to follow.

The primary tasks of the Paris exploratory talks were two: first, to draft official military and legal reports to be submitted to governments in preparation for drawing up an MLF Charter, which must be ratified by those governments which decide to participate in the force; second, to prepare for the eighteen-month training experiment begun in the summer of 1964 aboard a U. S. Navy missile destroyer, the USS Biddle (later renamed the USS Claude Ricketts). All of the nations participating in the talks except Belgium agreed to take part in the demonstration runs and to contribute military personnel to the mixed-manned crews.

[4] The following nations participated in the talks beginning in the fall of 1963: United States, United Kingdom, West Germany, Italy, Belgium, Greece, and Turkey. The Netherlands joined the talks in January 1964.

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According to the U. S. proposal, the MLF would consist of a fleet of twenty-five surface ships, each carrying eight Polaris A-3 missiles with a range of 2,500 miles. The crews, made up of highly-trained volunteers, would number about ten thousand men. The ships would be mixed-manned, with no more than three nationalities aboard each ship and with no one nation contributing more than forty per cent of each crew. English would be the common language. The MLF ships would be ships of war, but they would have merchant hulls to complicate detection by high-flying aircraft and by submarines. The ships would sail in merchant shipping lanes and would not be easily identifiable, except at close range. They would sail close to Western European shores and often in territorial waters. Thus, it would be difficult for enemy aircraft and submarines to track them without coming under counter-surveillance by European forces. The MLF missiles would be suitable for either a counter-city or counter-force strategic role against Soviet targets. The missile fleet would be assigned to NATO and placed under the operational control of SACEUR; it would be subject to NATO guidelines with regard to targeting and strategic planning. Control over use of the MLF would be vested in a smaller group composed of the major participating nations.

PURPOSES AND FEASIBILITY OF THE MLF

An examination of the history of the MLF proposal and of major pronouncements by government officials indicates clearly the purposes that lie behind the efforts of the U. S. government to gain European support for the MLF idea.[5]

First, the U. S. government believes that the MLF can be an instrument for enhancing the unity and cohesion of the NATO alliance by meeting the desires of its European allies to lessen their dependence on the American nuclear monopoly and to acquire a role in the nuclear defense of Europe. This is essentially the political problem of nuclear sharing.

[5] See especially Under Secretary of State George W. Ball, "The Nuclear Deterrent and the Atlantic Alliance," *Department of State Bulletin* (May 13, 1963), 736–39; W. W. Rostow, "The Atlantic Community: An American View," *ibid.* (June 3, 1963), 855–60; address by Gerard C. Smith, Special Adviser to the Secretary of State, Annapolis, Maryland, April 22, 1964, State Department Press Release No. 178.

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The MLF has been advanced as a way to begin meeting this problem and, at the same time, to avoid the proliferation of national nuclear forces—a central tenet of U. S. strategic policy. It is also asserted that the MLF would increase the effectiveness of inter-allied consultation about the use of alliance nuclear forces.

Second, and more specifically, the MLF was designed to anticipate future German and, to a lesser extent, Italian desires for participation in nuclear matters and to tie these countries to an integrated arrangement within NATO, thus discouraging any future development of national nuclear forces by these countries. Here West Germany is clearly the country of primary importance. The supporters of the MLF feel strongly that Germany has not received equal treatment or equal international status in the alliance, and that such equal treatment is necessary if mistakes of the past are to be avoided and if the European Community and NATO are to remain strong and to grow. They believe that discrimination against Germany on the issue of nuclear weapons undermines the alliance, and that the MLF offers a means to end such discrimination and yet avoid national control over nuclear weapons. Government officials associated with planning the MLF also believe that, once the Germans realize the cost involved and the complexities of developing and managing nuclear weapons, they will be satisfied with the nuclear role which the MLF can give them, especially in a later stage of its development when there might be no American veto. Thus, the MLF is to serve as an educational device also.

Third, the MLF is seen as a way to meet the military need in NATO for MRBM's and to follow up a U. S. offer made at the meeting of the North Atlantic Council in December 1957 to cooperate with the NATO allies in the MRBM field by including missiles under joint allied control in the Western arsenal.

Fourth, the MLF has become a political instrument in furtherance of the Atlantic policy of the United States, especially since de Gaulle's veto of British entry into the Common Market in January 1963. Under Secretary of State George W. Ball has said, "The multilateral force would offer the great advantage of a further opportunity to work toward greater unity in Europe and closer partnership between

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Europe and the United States." [6] In this respect the MLF is viewed as an American alternative to de Gaulle's bid for leadership of a "third force" Europe based on the evolving French nuclear force, and as an alternative to the possibility of any future Franco-German nuclear arrangement. The U. S. government hopes, in addition, that the MLF will further the cause of "integration" in NATO in the face of the French challenge to this principle and in this manner serve to reinforce the cohesion of the NATO alliance.

According to a recent report, the total estimated cost for construction of the MLF fleet, equipping and arming it, building the necessary bases, and operating it for the first five years would be about $2.3 billion. Annually thereafter the estimated figure is $156 million. These estimates are lower than those published in the spring of 1963, which ran to five billion dollars for a ten-year period. According to the current estimates, the annual costs to European participants during the first five years would run from 0.75 to four per cent of the total of their average annual defense expenditures. After five years this figure would decline to between 0.2 and one per cent per annum. Thus, the MLF is certainly not financially out of reach for the European allies.

According to the U. S. proposal the MLF would at first be deployed on surface warships, although the future possibility of the MLF evolving into or adding other modes of deployment would not be precluded. The force would be owned, manned, and operated by the participating countries. It is a novel concept, in so far as no surface warship missile force is now in being, although the basic elements do exist in the U. S. research ship Observation Island.

The U. S. Navy has regularly expressed its preference for surface ships rather than submarines for the MLF in several studies going back to 1962. Although it is true that submarines tend to have more political appeal, surface ships are less costly than submarines and could be built more quickly [7] (many of them in European shipyards); they would be easier to mix-man and to operate; they could be maintained in

[6] Ball, "Nuclear Deterrent."

[7] It has been estimated that the first MLF ship would be operational about 3 1/2 years after the Charter has been signed, and that the whole fleet of twenty-five ships could be on the sea in six years.

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normal ports and would require less complicated logistical support. (Surface ships would also not involve sharing the technical secrets of U. S. nuclear submarines, and they would therefore be more acceptable to the Joint Committee on Atomic Energy and to the Congress as a whole—an important political factor.)

Most of the criticism against the surface ship force has focused on the question of survivability. Although the surface ship is admittedly more vulnerable to discovery and attack than the submarine, the U. S. Navy and the Joint Chiefs of Staff have concluded, after detailed examination, that the surface ship force would have the required survivability and would constitute an effective military force and a credible deterrent. Admiral Claude Ricketts, the former Vice-Chief of Naval Operations, wrote before his recent death:

> In evaluating survivability under these various conditions, we depended heavily upon the shield of Western Europe for primary protection against air surveillance, tracking, and attack. We just cannot envisage unopposed overflights of Western Europe by planes to the extent necessary to search out and track these ships. We depended also upon the difficulty of identifying these ships at sea. For example, while they would be warships, they would be constructed with the general configuration of merchant ships, and all would not be constructed alike. In order to identify such a ship, aircraft would have to fly at a very low level and virtually read the name on the stern of the ship. . . . This would be especially difficult in times of bad weather, fog, or darkness. . . .
>
> In essence there is a tremendous flexibility of employment and tactics available for these ships. There is a great variety of waters in which they can operate. . . .
>
> Many of the coastal areas of the participating nations would be available and certainly it would be inconceivable that hostile aircraft, submarines, or surface ships could track these ships in such territorial or inland waters.[8]

Admiral David L. McDonald, the Chief of Naval Operations, has said: "With this type of force, under any reasonable set of circumstances you can draw up, enough of it would survive any Communist attack on the West to make it a credible deterrent." [9]

[8] Admiral Claude Ricketts, "Case for the Multilateral Force," *European Review*, XIII (1963), 9–12.

[9] Interview with Admiral McDonald, *U. S. News and World Report*, March

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The feature of mixed-manning has been held to be essential in the MLF to assure that the force would not break down into national components. The feasibility of mixed-manning was at first highly controversial, but it now seems to have been accepted by the U. S. Navy if the crews involved are highly trained and disciplined and operate with a common language. The mixed-manning of ships is not a new principle; it has many precedents going back to the sailing era of British, American, and Scandinavian square riggers. Indeed, Admiral Horatio Nelson's flagship at the Battle of Trafalgar was manned effectively by a mixed crew of twenty-two nationalities.

Plans do not call for the MLF ships to be "disguised" as merchant ships, for this would make them illegal under international maritime law. Unlike the "Q" ships of World War II, the MLF ships will be warships and will carry insignia and fly an MLF flag. They will appear as men-of-war at close range, but will have merchant hulls. The missiles will be stored vertically in the hulls and will not be visible from above. State Department studies and studies made by the Paris Working Group have concluded that the proposed MLF ships are legal under international law.[10]

MILITARY VALUE OF THE MLF

If the MLF is established, it seems clear that it could play a useful military role. The Polaris missile system is a formidable weapon. The Polaris A-3 is an accurate missile, which could be used in either a counter-city or a counter-force role.[11] The MLF missiles could be targeted against Soviet missiles which are targeted against Europe. Taken together, the MLF Polaris fleet of twenty-five ships would constitute a deterrent force much more significant than, for example, the French *force de frappe*.

Thus, the MLF would fill a NATO need for MRBM's in Europe. It would also diversify the weapons arsenal of

2, 1964, 67–68.

[10] This subject was treated in the U. S. reply on May 18, 1963, to the Soviet Note of April 18, 1963.

[11] See testimony of Secretary of Defense Robert S. McNamara, Hearings before Committee on Armed Services, U. S. Senate, *Military Procurement Authorization for Fiscal Year 1964*, 88th Congress, 1st Session, 1963, 99–100.

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NATO and add to Western nuclear superiority by complicating the Soviet defense problem.

Finally, the MLF missiles would take over part of the Soviet targets covered by present and programmed U. S. strategic forces and would cover targets under NATO auspices. Thus, if created, the MLF would allow the United States to reduce the size of its projected program for the construction of Polaris and Minuteman missiles. The question, therefore, is not whether MLF missiles should be added to U. S. strategic missile forces now considered sufficient (that is, that the MLF represents an "overkill" capacity), but whether the total anticipated American strategic missile forces should include MRBM's for joint deployment in the European theater.

The MLF has often been attacked because it might interfere with the contributions of European allies to NATO's conventional forces. This seems unlikely in view of the reduced cost estimates now put forward and in light of U. S. insistence that those nations which decide to participate in the MLF must agree to do so without reducing their contemplated conventional force programs. At any rate, the United States has not been successful so far in getting greater European contributions to NATO's conventional forces, and therefore it appears that the MLF should not have much effect on this problem.

THE PROBLEM OF CONTROL

Many early critics of the MLF have since satisfied themselves that it is a technically feasible plan and that it would have some military value, even if it constitutes only a small part of total Western strategic forces. It is with regard to the problem of control of the MLF and its political value that the MLF concept continues to be severely challenged.

The issue of control poses the most difficult problems. In the exploratory talks this issue has apparently not yet been decided. However, the pending proposals call for two things. First, all of the members would consult and share by majority rule in the strategic planning on the use of the MLF. In a crisis a smaller group composed of the major participants would share in the control over the use of the missile force according to the unanimity principle; each major participant

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would have a veto. This control body would probably be made up of the United States, Great Britain, West Germany, and either Italy or possibly a rotating small-power representative.

Such a formula would serve in the first stage of the MLF, but it would not be the final solution. The United States has indicated its willingness to consider revision of the control formula as political integration in Europe progresses; it has been hinted that the United States would contemplate giving up its veto power at a later time. A few weeks before he became President, Lyndon Johnson said at Brussels: "The movement to European unity makes this [the MLF] desirable —as a first step toward a greater European voice in nuclear matters. Evolution of this missile fleet toward European control, as Europe marches toward unity, is by no means excluded." [12]

It seems clear that the United States would retain its veto in the MLF for some time, probably for at least a decade, especially since about six years will be required to put the full force into operation. Later the MLF might evolve in either of two ways. According to Robert R. Bowie, "It might be in the form of an *Atlantic* force controlled with less than unanimity, or a *European* force which the European members would control according to whatever formula they decided upon. . . ." [13] (Italics added.)

In the initial phase of the MLF the United States would be sharing possession of nuclear warheads with her allies for the first time, and this sharing would require amendment of the Atomic Energy Act (McMahon Act) by the Congress. The MLF missiles would be fitted with what is known as a "permissive action link" system, an electronic code firing device which prevents unauthorized firings and allows firing only from a central command post. United States govern-

[12] Speech at Brussels, November 8, 1963, reprinted in *Department of State Bulletin*, December 2, 1963, 853–54.

[13] Speech entitled "Nuclear Sharing Within the Atlantic Alliance," *Proceedings of the Western European Union Assembly*, Ninth Ordinary Session (second part) December 1963, IV, 127–28.

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ment officials believe it will be possible to design command and communications systems which will allow the final decision to use the missiles to be made by the heads of the participating governments.

An MLF operating under a unanimity principle in which every major member has a veto power has been criticized by many on strategic grounds as an ineffective deterrent, one which would be paralyzed by a single veto and would therefore lack credibility in Soviet eyes.[14] Klaus Knorr, for example, has argued that the unanimity principle would work only if the whole alliance were attacked simultaneously by nuclear or conventional forces, that it would not work in the more likely contingency of a limited attack against one member of the alliance, accompanied by selective use of nuclear threats. The latter case would yield the difficult situation of "upping the ante." At least one member of the control group might conceivably veto the use of the MLF under, for example, a "Why die for Turkey?" situation.[15] Thus, this group of critics conclude that the MLF would have little or no credibility except in situations so straightforward that there would be no hesitation about using American-based strategic weapons anyway.

There are others who believe that these criticisms are unjust, that the veto problem may become purely academic when common planning and guidelines have been established for the MLF and common ways of thinking have developed with respect to its use. This school of thought asserts that there will be few situations when the MLF would actually be used, and that these could either be agreed on beforehand, or else there would be time to consult about them.[16] Members of this school also emphasize that deterrence requires not that the Soviet Union be certain that nu-

[14] See, for example, Alastair Buchan, "Half a Dozen European Safety Catches?," *European Review,* XIII (1963), 11; and Klaus Knorr, *A NATO Nuclear Force: The Problem of Management,* Center of International Studies, Princeton University, February 5, 1963.

[15] Knorr, *ibid.*

[16] See Robert R. Bowie, "Strategy and the Atlantic Alliance," *International Organization,* XVII (1963), 728–29; Theo Sommer, "MLF: Multilaterale Atommacht—eine Klammer für das Bündnis," II, *Die Zeit,* November 15, 1963, 5.

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clear weapons will be used, but rather that it lack the certainty that they will *not* be used. Supporters of this view maintain that two hundred missiles targeted on the Soviet Union would present a great risk to a Soviet leader, one that would be a credible deterrent to any Soviet attack.[17]

On the matter of the U. S. veto, Robert R. Bowie has written:

> Continuing monopoly by the United States does not seem feasible any longer. . . .
>
> The debate over strategy and nuclear control partly reflects discontent over the position of Europe in the NATO alliance. With their enhanced confidence and revived strength, many European members inevitably desire a larger part in the planning of NATO strategy and in the control over the forces for its defense, especially nuclear. Thus, many Europeans now feel that a virtual monopoly in United States hands is no longer appropriate or acceptable for the long term. This feeling is mainly political, but it must be recognized and treated as genuine and real.[18]

Yet it is not altogether true that all of the Europeans wish the United States to give up its veto power in an MLF immediately. Some Europeans seem to trust the United States more than they trust each other at the moment. The Italian Socialists, for example, do not want immediate withdrawal of the U. S. veto, for fear that Germany would dominate the veto power in the European control body. West German Defense Minister von Hassel, although he insists on a "reconsideration clause" in any MLF Charter to make possible a majority vote system at a later stage, has accepted the U. S. veto for the initial phase of the MLF. And the Social Democratic party in Germany seems to approve present U. S. retention of its veto power.

POLITICAL EFFECTS AND POLITICAL VALUE

As the discussion of the "veto" in the MLF has made clear, the MLF would not immediately satisfy all European desires for a greater nuclear role and an equal sharing with the

[17] See also Robert G. Neumann, "Europa und das Kernwaffen Problem: Die amerikanische Konzeption einer multilateralen Atomstreitmacht," *Europa Archiv,* XVIII (1963), 651–68.

[18] Bowie, "Strategy," 722.

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United States in the control of nuclear weapons. The European participants would still depend upon an American veto in the first phase of the MLF. Yet, the MLF may be the best possible first step in the direction of equal European participation that is presently available.

An alternative suggested by many critics of the MLF, for example, by Henry A. Kissinger, has been for the United States to encourage the formation of a European nuclear force. At present, however, this proposal appears neither technically workable nor politically feasible. To become an operational nuclear power Western Europe would first have to achieve a degree of political unity that would lead it to create the central political institutions necessary for the political control of such a force. Europe has not come this far, and raising the issue of a European force now would not necessarily speed the process. As Alastair Buchan has written:

> In view of the different attitudes about nuclear strategy that exist among European governments, within governments, or between governments and their people on this question, might not the attempt to evolve European strategic nuclear programs within the next decade break up the Community itself? M. Monnet, Professor Kissinger and *The Economist* write as if nuclear weapons were a unifying political influence; the evidence of the past decade hardly supports this.[19]

Furthermore, to turn to the world of political reality, the French have made to the time of this writing only one major public overture which could be interpreted as a serious suggestion for such a European force. It was made in the Council of Europe on September 24, 1963, and was couched in these terms:

> When Europe's political structure has been strengthened, it will be necessary to outline how France's nuclear effort can be utilized by all the European nations for common defense. The fact that France has already progressed some distance along this road opens the possibility of revising, for the benefit of Europe, the balance of cost and responsibilities within the Atlantic alliance.
>
> If Great Britain conceives her future as being within the European community, she can find in this field an oppor-

[19] Alastair Buchan, "Partners and Allies," *Foreign Affairs*, XLI (1963), 626.

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> tunity for a real contribution—taking into account the vital choice which such a decision would entail.[20]

The Foreign Office reply to this overture indicated that Britain wanted no part of a European nuclear effort isolated from the United States and not directly related to the Atlantic alliance. Chancellor Adenauer of West Germany was reported to have praised France for her "important and noteworthy" suggestion on joining with Britain in a European nuclear force. But he made it clear that he considered it a matter of course that the establishment of a European political union would have to precede the realization of the French nuclear plan.[21]

Thus, there is some evidence to support the contention that a European nuclear force has not been politically feasible, and that it could come about only in the context of an organized European political community. A European political union and a European nuclear force (without a U. S. veto) is a goal which the U. S. must foster if it intends sincerely to meet European desires for a share in nuclear control and to promote an Atlantic partnership of "equals" which extends also to nuclear matters. For the present, however, the MLF may well be the best possible first step toward eventual sharing of nuclear control on a more equal basis.

To return now to the MLF proposal itself, the proposal would meet *some* of the present European concerns regarding the control of nuclear weapons immediately, especially their desires to share in the components of nuclear control below the level of control over use.[22]

The MLF would, in the first place, insure to each of the members genuine participation in a nuclear deterrent force on a basis of equality. This participation would extend to joint ownership and custody of the weapons and warheads, manning and operation of the missiles under joint military command, and joint financing of the entire project. Through the sharing of these components of nuclear control the Euro-

20 Speech by M. Michel Habib-Deloncle, French Secretary of State for Foreign Affairs, to the Council of Europe, as quoted by Sydney Gruson, New York *Times*, September 25, 1963.

21 See Gruson article, *ibid.*

22 See, for example, the case presented by Robert G. Neumann in "Europa und das Kernwaffen Problem," 22–25.

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pean allies would have less reason to consider themselves second-class nuclear citizens than under present arrangements in NATO.

Second, the MLF will allow the allies to share immediately in the strategic planning of a meaningful nuclear force; that is, they will share in *contrôle*. Under the MLF the allies will share in planning and targeting of allied strategic nuclear forces; they will not simply be advising or "participating" in U. S. planning, although such increased allied sharing in U. S. planning which began under the decision of the NATO Athens meeting in May 1962 would continue also.

Third, by placing warheads under joint allied control the MLF would involve the United States in a firmer nuclear association with the European allies than now exists. This fact would help to make the American commitment to the nuclear defense of Europe more persuasive to the Europeans.

Fourth, the MLF will meet the allies' desires for a broader knowledge of nuclear matters. It will give them a greater awareness of the problems, costs, and opportunities that arise out of the ownership, control, and manning of strategic weapons systems. This experience in the costs and complexities of nuclear management may, in the long run, tend to discourage any aspirations for future national nuclear forces, and thus diminish the dangerous and costly proliferation of nuclear weapons.

With regard to the second point, the sharing of *contrôle*, some elaboration is needed. There are many critics who believe that the MLF is unnecessary because they are of the opinion that the sharing of *contrôle* over U. S. strategic forces by the European allies is the most crucial level of nuclear sharing. They believe that a greater role of consultation in Washington on matters of nuclear strategy by the European members of NATO would satisfy their desires for participation in nuclear matters. Alastair Buchan is a major proponent of this view; Fritz Erler of the German SPD and many leaders of the British Labor party belong to this school also.[23]

[23] See Alastair Buchan, *NATO in the 1960's*, 92–100; Fritz Erler, "The Basis of Partnership," *Foreign Affairs*, XLII (1963–64), 88–93; P. C. Gordon-Walker, "The Labor Party's Defense and Foreign Policy," *Foreign Affairs*, XLII (1963–64) 392–94. Denis Healey also echoed this view in a speech at Columbia University, March 25, 1964.

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Sharing in strategic planning offers an important area of cooperation, but it does not go to the heart of the matter. As Henry Kissinger has stated:

> It is no doubt highly desirable for Europeans to know of the targeting of our strategic forces and to participate in planning. Joint targeting does not, however, alter the United States monopoly position. To some extent, it meets the interests of all allies in a common war plan. It does not solve the far more important problem of political control, specifically the decision to enter nuclear war.[24]

There is a further objection to the *contrôle* thesis, and this relates to the difficulty of bringing the Europeans in on the early stages of the American military policy debate, before policy has actually solidified in Washington. In view of the complex process of policy formulation in Washington, this task may defy solution even if some new NATO machinery were to be established in Washington as Buchan has recently suggested.[25] Perhaps the only realistic way to achieve a greater European share in strategic planning in NATO will be through participation in actual ownership, manning, financing, and operation of an allied nuclear force such as the MLF. Only then will any real weight be given to allied consultation and advice in Washington. As Gerard Smith has said, "The effectiveness of consultation is apt to be in direct proportion to the degree of participation, by the consulting nations, in the operation they are consulting about." [26]

One of the sincere purposes behind the MLF proposal has been to give West Germany equal treatment within NATO; considered in general terms of relationships in the alliance, this is one of the plan's most valuable features. However, there has been much controversy over the effects that the MLF would have on future German desires for nuclear weapons. German views on nuclear weapons are difficult to measure, but no West German government official (with the possible exception of Franz Joseph Strauss, who is no longer in office) has made any public statements which imply that West Germany wants nuclear weapons under national con-

[24] Henry A. Kissinger, "NATO's Nuclear Dilemma," *The Reporter,* March 28, 1963, 29.

[25] Buchan, "Partners and Allies," 635.

[26] Smith, Annapolis address, 4.

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trol. The Erhard government has gone on record as opposed to independent nuclear forces. Thus, Denis Healey and others argue that the U. S. government has overestimated West German desires for nuclear weapons, and that the MLF may have the effect of whetting a German nuclear appetite which really did not exist before.[27]

The future, however, seems less certain. If established, the MLF may well satisfy German desires for a share in nuclear control, especially if the MLF functions smoothly and increases confidence among the NATO allies. On the other hand, if the MLF does not work well, and if for reasons of domestic or international politics Germany's strong ties to the United States should be weakened and nationalist feelings be fanned, Germany's appetite for nuclear weapons might grow to the extent of demanding national nuclear forces. There is no dependable forecast. In the latter case, however, it seems clear that other political factors would play a decisive role and that the MLF alone would not be sufficient cause for such an increase in German nuclear demands. The possibility of the MLF stimulating the German appetite for nuclear weapons seems less of a risk than if nothing were done to provide an alternative to German nuclear independence.[28]

With regard to the political consequences of the MLF for U. S. Atlantic policy, much depends upon the final membership of the force. The MLF could further political cohesion in NATO and promote European unity and Atlantic partnership.[29] However, for this to occur Great Britain must join it. If the United Kingdom does not participate in the MLF, then West Germany would be left as the dominant European member; the result would be the creation of hostility among the allies rather than cohesion. With Britain as a member, the MLF would provide a common NATO project which would tend to bring the allies together and rally support for the principle of integration in the face of the challenge to it posed by de Gaulle's independent strategy.

27 Speech at Columbia University, March 25, 1964.

28 See the comments on Germany and the MLF in Robert E. Osgood, "The Case for the Multilateral Force," *SAIS Review*, VIII (1964), 3–11.

29 Dean Acheson, for example, has changed his mind on the MLF and now supports it on this ground.

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Thus, British participation is an essential condition for the creation of the MLF if it is to achieve its political purposes.

There is little chance now that the MLF would dissuade General de Gaulle from persisting in his efforts to develop the French *force de frappe*. However, it does leave a door open for participation by a post-de Gaulle regime in France, if such a regime should choose to give up the expensive French nuclear program.

With regard to the political feasibility of establishing the MLF, there are two levels of consideration. The first concerns U. S. internal politics. As has already been mentioned, the MLF would for the first time involve sharing of the possession of nuclear warheads with U. S. allies, and this would require an amendment to the Atomic Energy Act. It appears that with a "permissive action link" system employed in the missiles, the Joint Committee on Atomic Energy could be persuaded to give the approval necessary for this amendment, although the Johnson administration will have to devote much more attention than it has so far to preparing the Congress on this issue. A lively congressional debate can be expected.

On the other hand, it seems clear that there is no immediate prospect for securing congressional approval of an amendment to the McMahon Act which would allow the United States to relinquish its veto over an MLF to an Atlantic control body. Henry Kissinger has expressed considerable concern about the constitutional issue which would result in this country over giving up the U. S. veto in favor of a majority vote of the Atlantic allies. He foresees a furious congressional debate over such an issue and states: "Therefore, if a NATO multilateral force is created I would wish to see it transformed into a European force as soon as possible." [30]

The second level of political feasibility concerns the participation of the allies and depends upon European politics. Here there are also uncertainties. The West Germans have been enthusiastic about the MLF and their participation seems assured. The crucial country is Great Britain, and

[30] Speech to the WEU Assembly in *Proceedings* (see footnote 13), 102–03.

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here the picture depends upon decisions yet to be made by Prime Minister Wilson's new Labor government. British Labor has been hostile to the MLF, but the Wilson government has not closed the door on the project completely. The Italians have expressed interest, but the Nenni Socialists, whose position will be decisive, appear to be awaiting the final post-election stand taken by the British. The same situation seems to apply in the case of the Dutch, while the attitude of Belgium has been one of increasing disinterest.

There is a paradox here, in that the United States probably will not proceed with the MLF if West Germany is the only major European power in the project. Yet the United Kingdom would be under heavy pressure to join if the United States and West Germany decided to go ahead. Britain would probably not want to be excluded from such an Atlantic initiative at last resort.

EFFECT ON EAST-WEST RELATIONS

One of the most disconcerting prospects associated with the MLF concerns its possible effect on disarmament negotiations and on any future agreement with the Soviet Union on arms control in Central Europe. The Russians have repeatedly attacked the plan as a way to give the Germans nuclear arms.[31] The United States has tried recently at Geneva to convince the Soviet Union that the MLF will not transfer nuclear weapons to any nation on a unilateral basis, and that therefore it will not promote nuclear diffusion. The official position of the U. S. State Department is that the MLF is a much more secure and reliable nuclear agency than a series of national nuclear deterrents, that its corporate character makes it less subject to accidental or irrational discharge, and that it will offer to its members valuable experience in the management of nuclear weapons, which may later prove indispensable to the solution of some of the problems of international arms control.[32]

[31] For a discussion of Soviet views toward the MLF, see Zbigniew Brzezinski, "Moscow and the MLF: Hostility and Ambivalence," *Foreign Affairs*, XLIII (1964–65), 126–34.

[32] See speech by J. Robert Schaetzel, Deputy Assistant Secretary of State for Atlantic Affairs, at Oxfordshire, England, September 27, 1963, reprinted

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However, it must be admitted that there are uncertainties here. Although the MLF would be an allied force under joint control, it would in fact represent a kind of nuclear diffusion. This will undoubtedly continue to concern the Soviet Union. The political and psychological effect may vitiate all U. S. attempts to present the MLF as a device to avoid future proliferation of national nuclear forces. Thus, the MLF may make future arms control agreements a much more difficult task.

THE PROSPECT

There is a nuclear sharing problem in NATO. In one sense, it is a result of the confrontation between technology and sovereignty in our age, for Western political institutions have not evolved in pace with the advances of nuclear technology. These advances suggest that there can be no perfect answer to the management of the nuclear power of the West until a far greater political unity is achieved among the NATO allies than exists today. But events will not wait, and we must deal with conditions as we now find them.

Once the problem of nuclear sharing is acknowledged and acted upon, the logic of sharing some components of nuclear control is likely to extend to the sharing of the most crucial component—the decision to use or not to use nuclear weapons. The major allies are not likely to be satisfied in the long run with any system of nuclear control that leaves the decision to use nuclear weapons solely in American hands. Furthermore, "this [sharing of control over use] is the only kind of sharing that might come close to providing allies who are nuclear possessors or aspirants with a measure of nuclear control comparable to what they believe they might obtain by an independent effort." [33]

If NATO is to continue as a vital and effective alliance for the defense of the West, its security posture and internal terms of nuclear collaboration need revision. The United States can seek a course of least resistance and be led by events, or it can exert its influence at a time when political

in *Atlantic Community Quarterly*, I (1963–64), 561–69; Secretary of State Dean Rusk, address before the Overseas Press Club of America, New York City, April 7, 1964, State Department Press Release No. 148.

[33] See Osgood, *Nuclear Control in NATO*, 25.

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realignments in Europe are still in a formative stage. The latter seems to be both the preferred course of action, and the one which has been attempted by the U. S. government. Thus, the real question is what form nuclear sharing should take.

The U. S. proposal for a NATO multilateral force has been subjected to heavy doses of criticism, and too often its critics have not distinguished their objections to the substance of the plan from criticisms of the processes through which it evolved to become government policy.

In spite of the checkered history of the proposal, the MLF—or some kind of mixed-manned nuclear force—offers one way of dealing with the question of nuclear sharing. It might become a part of a larger Atlantic nuclear force to include some national components, as suggested in the recent British plan. The problem of control will require further detailed study to arrive at arrangements which will make the force a credible deterrent in Soviet eyes. Indeed, the MLF, or some variation of it, seems to offer the best way presently available to begin meeting the nuclear sharing problem in NATO in a manner which is consistent with U. S. Atlantic policy goals.

But the final test for the MLF must be the response of the European allies. If, after careful study of the MLF and alternative plans, European enthusiasm for the project does not increase, then the United States should cease to press for it. Such action could only serve to provoke further disharmony in the NATO alliance, a result clearly contrary both to the MLF's original political purposes and to the American interest.

WILFRID L. KOHL

NEW YORK CITY

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Human Nature in Politics. By JAMES C. DAVIES. New York and London, John Wiley and Sons, 1963.—xi, 403 pp. $7.50.

What can the other disciplines devoted to the study of man contribute to the understanding of him as a political animal? Most of this book is devoted to the consideration, in orderly progression, of notions from individual psychology, social psychology, and sociology that contribute to the "search for origins of political behavior . . . for common universal causes of action." Increasingly, in the later chapters, the author turns to descriptive and historical accounts of political leaders and political crisis or change, sometimes explicitly and sometimes only inferentially interpreted in terms of concepts developed in the earlier chapters.

First among the conceptual *dramatis personae* is the psychological notion of need, and it rarely leaves center stage. The author follows Maslow's hierarchical hypothesis, according to which no one of five need-categories (physical demands, safety, love, self-esteem, and self-actualization) can be very seriously pursued till the preceding ones have found at least a modicum of satisfaction. Here and later, he analyzes both political apathy and political crises in terms of the need-hierarchy principle: if you understand the nature of need-frustration and its resulting tensions, you are in a better position to understand political behavior.

Borrowing G. W. Allport's term, the author regards needs as being functionally autonomous—that is, pursued for their own sakes rather than instrumentally toward other ends. Indeed, the "highest" of Maslow's needs, self-actualization, is the apotheosis of activity which "one enjoys primarily for its own sake. . . . The only factor," adds the author, "which appears to be a reasonable postulate for motivation of intense political participation is the need for self-actualization" (p. 59). From this latter statement I can only conclude either that such a need is defined very loosely and inclusively, or that the author subscribes to a doctrine of single motivation for complex behavior that I find unacceptable.

Other psychological concepts follow, one chapter being devoted to "tension" and another to "perception," as such processes underlie political phenomena. Then come successive chapters on "proximal" and "distal" groups—those, respectively, "which are mentally next to the individual" (often known by sociologists as "primary") and those whose influence is "always . . . mediated by a proximal group." Institutional and demographic notions

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of sociological nature are then considered, in a pair of chapters on religion and social status, respectively. Empirical investigations, supported by data, are frequently cited, sometimes at length.

The last two chapters, on "Political Leaders and Followers" and "The Politics of Instability," succeed in tying together many of the preceding notions in concrete form, richly illustrated from contempory and historical sources. The following summary-like sentences will suggest the general nature of the integration:

> . . . violent civil disturbances result from the confrontation of profound forces in opposition to each other . . . these profound forces are rooted in the human organism, environmentally catalyzed by discovery of . . . knowledge, values, techniques, etc. These catalyzed internal forces produce violence when they are frustrated by external forces (p. 340). . . . The ever-emerging needs of man interact with an environment that ever falls short of fulfilling these needs and so generates the tension that causes civilization to emerge and evolve (p. 365).

Macroscopically, the flow of the argument is smooth and compatible with the sources cited from political science's sister disciplines. Examined more closely from where this reviewer stands, its structure is too heavy for the central foundation of individual "needs." Psychologists have often succumbed to the temptation to "explain" behavior in terms of forces labeled by descriptions of it. And the more global the conceptual description, the less its usefulness in formulating specific propositions that are testable and thus disprovable. Self-actualization, as an over-arching tent, has its uses in the wide-open air where one surveys, *post hoc,* the grand sweep of human behavior. But the grand canopy can be an impediment on the testing-ground of field or laboratory where alternative theories submit themselves to competition, and some of them must bite the dust.

Inevitably, of course, a wide-sweeping book will disappoint the specialist, and it is not the reviewer's function to ask for a different kind of work. Accepting this book, then, for what it tries to do, I believe that some behavioral scientists will feel that the attempted integration outruns the evidence, but all can admire a spirited presentation taken from a knowledgeable winnowing of a widely relevant literature.

THEODORE M. NEWCOMB

UNIVERSITY OF MICHIGAN

Man and Society. By JOHN PLAMENATZ. Volume I: *Machiavelli through Rousseau,* xxi, 445 pp.; Volume II: *Bentham*

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through Marx, xxii, 472 pp.; New York, McGraw-Hill, 1963. $5.95 per volume.

These studies of John Plamenatz are a splendid achievement. They are in the tradition of the English political essay, well written, urbane in outlook, liberal in the best sense. They are not, as the author hastens to tell us, a history of social and political thought. Though at times a trifle didactic (probably the result of their being presented as lectures to undergraduates at Oxford and elsewhere), they are eminently readable and informative.

The first volume, besides Machiavelli and Rousseau, takes up Bodin, Hobbes, Locke, Montesquieu, Hume, and Burke. It also deals more broadly with the issues of liberty of conscience and toleration as well as absolute monarchy and the doctrine of divine right of kings presented to the seventeenth century. The several essays are balanced in their presentation and viewpoint. This reviewer finds himself largely in agreement with the author's treatment, and the brief sketches of each writer's life and career are unexceptional in their regard for modern scholarship. Sometimes the slant is different from what might be expected. In the case of Machiavelli, this reviewer would be inclined to lay greater stress on Machiavelli's bent toward a Renaissance conception of politics, more especially his viewing the state as a work of art. For Bodin, it would seem that Chauviré, while significant, is not as important a focal point, and one might wish that the searching work of Mesnard and McRae had been given attention. Even with the author's repeated caveat that his "purpose is not biographical or historical" and that he "is concerned with expounding and criticizing a political and social theory," we cannot be unconcerned with what that theory really was. Plamenatz believes that Bodin "produced what was perhaps the ablest case ever made for monarchy." Not that he thinks it most impressive or persuasive, but "it stands up best to criticism." I doubt that this is true. Bodin's greatest achievement lay in fashioning a tool of legal analysis, the doctrine of sovereignty.

Space does not permit going through the two volumes chapter by chapter to note such agreements and disagreements. Nor is this really worthwhile. For the author means the book to be highly personal, and his achievement in presenting political thought as a living reality is striking. It may, however, be well to give some further attention to the second volume which deals, besides Bentham and his school, primarily with Hegel and Marx. We have had a well-known study on Marxism by the author which has been questioned by some. The Hegel chapters, he tells us, caused him special worry; he consulted a number of col-

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leagues and friends about it. Yet, on the whole, this reviewer believes that Plamenatz has done remarkably well. In the first of these chapters he addresses himself to the *Phenomenology of the Spirit* and the *Philosophy of History,* rightly stressing the greater evidential value of the former, because published by Hegel himself (he seems unaware that we have a worked-out manuscript of part of the latter). In the second, he is preoccupied with the Philosophy of Law and Right and its theory of the state. He notes that Berlin felt he relied too much on Kojève, and that is correct. But for a man who does not read German and therefore depends upon the glosses which translators provide he does remarkably well. Still, this reviewer has an uncomfortable feeling that the pathfinding work of those who explored the religious dimension of Hegel's work, Dilthey, Iljin, and Steinbuechel, has not been adequately taken into account, nor Loewith's challenging theses. Plamenatz, recognizing Hegel's Protestant bias, gives a sane assessment of Hegel's religion, even if it is limited by the admission of not knowing "whether or not Hegel was an atheist." But he often puzzles this reviewer. On the one hand he seems really to appreciate the complexity of Hegel's doctrine of freedom, yet he claims that Hegel was "not attracted to liberalism or democracy," when actually he was much attracted to liberalism and much repelled by democracy (as were numerous British liberals of his day). This bedevils his discussion of Kant and Hegel—and it is regrettable anyhow that half of the space devoted to Hegel should not have been given to Kant instead, for Kant was the fulfillment of the first volume's political theory. The full measure of Hegel's arrogance which Plamenatz insists upon becomes clear only when projected against the Kantian position on law and politics. Plamenatz calls Hegel the Bismarck of philosophy, a cute suggestion, but quite misleading. Bismarck admired Spinoza among the philosophers, and Hegel admired Napoleon among the statesmen. He was the Napoleon among philosophers, if such a personification is conceivable.

The linguistic difficulties of the author account for his repeating some of the current misconceptions, based upon misleading rendering of the original German. Hegel's famous discussion of *Herr* and *Knecht* is rendered as master and slave—a Marxist gloss—when the right words would be master and servant; in these terms the Hegelian observations make much more sense (the word slave has a close German equivalent, *Sklave,* which Hegel would undoubtedly have employed, had he wanted to talk about the slave, as is apparent from his discussion of Greece). Hegel's discussion of the world historical role of the Germanic

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peoples is obscured by Siblee's rendering of *germanisch* as German; but "German" in German is *deutsch*. The objections which Plamenatz raises are eliminated once it is recognized that in Hegel's understanding the Germanic peoples are those which arose from an admixture of Germanic tribes to the Celtic, Latin, and Slavic races with which they mingled. Hegel's view is romantic and dated; but it is not what these translators have made out of it: a German national pretension that the English are German. Rightly, Plamenatz himself questions the probability of Hegel's having such a simpleton's view. These remarks may seem trifling, and in a sense they are, because there is so much that is good and sound in Plamenatz' handling of this difficult subject. The reviewer just wished he had made it still better by avoiding some of these pitfalls.

Plamenatz finishes his study with a chapter on the belief in progress, a most suitable topic for a convinced liberal such as he. Rejecting excessive hope and extravagant worry, he would approve in the end "only those who hope and who strive for what they hope." It is a good ending for this reflective essay upon some of the best thought concerning some of the toughest problems of politics.

CARL J. FRIEDRICH

HARVARD UNIVERSITY

A Philosophy of Man. By ADAM SCHAFF. New York, Monthly Review Press, 1963.—139 pp. $3.25.

A Philosophy of Man is a collection of articles which first appeared in the now defunct weeklies *Nowa Kultura* and *Przegląd Kulturalny* in the period 1959–61. The English translation, based on the second book edition of these articles, is shorter but does not differ essentially from the Polish original.

The book falls into three parts. In the first the author analyzes Sartre's idea, expressed in his *Critique de la raison dialectique,* that Marxism and Existentialism should be combined into a single system of thought because they aim, as Sartre put it, at the same object, that is, man. While rejecting this idea as ill-conceived and infeasible, for Sartre's indeterministic conception of man is incompatible with the sociological determinism of Marx, the author favors the incorporation of the "subject matter of Existentialism" into the Marxist doctrine. Since such problems as those of moral responsibility or of the meaning of life profoundly affect people everywhere, Marxism cannot afford to ignore them any longer without paying a political penalty for its neglect (pp. 31–32).

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In the second part of his book Schaff is concerned with this new field of study within the Marxist doctrine, to be known as *the philosophy of man.* Its aim is to formulate a philosophical theory of man or at least a theoretical framework for the investigation of questions raised by the Existentialist thinkers. The fundamental issue of the philosophy of man is the problem of the individual's freedom of action. Schaff avoids Sartre's unqualified indeterminism and Marx's strict sociological determinism and adopts a moderate version of it derived from Moritz Schlick's views to be found in his *Fragen der Ethik.* This conception of moderate determinism is compatible both with the thesis of the social determination of man's behavior and the assumption of the freedom of choice and the moral responsibility of the individual.

The third part is devoted to the conception of socialist humanism, which, as defined by Schaff, is simply utilitarianism, the view that an act is right if it produces the greatest happiness for the greatest number (p. 60). The author argues at length that "scientific socialism" alone is able to apply the principle of utilitarianism in practice. Consequently, we are given to understand by implication that only the countries of the Soviet part of the world are truly humanistic in their policies and action.

Adam Schaff, who holds the chair of Marxist philosophy at Warsaw University and the directorship of the Institute of Philosophy and Sociology of the Polish Academy of Science, is a member of the Central Committee of the PZPR (the Communist party of Poland). He wrote his book as a philosophizing politician rather than as a market-place philosopher. He has disclosed with a disarming frankness his anxiety to make Marxism-Leninism intellectually attractive and ideologically immune to "anti-Marxist and anti-Communist propaganda" (pp. 31–32, 102–03). Although mainly political or even tactical considerations seem to have prompted his revisions of orthodoxy, such activities tend, as a rule, to have implications different from those intended. In this sense they should be regarded as something more than a mere rhetorical exercise, for they help, as Sartre has said, "to reconquer man within Marxism."

ZBIGNIEW A. JORDAN

LONDON, ENGLAND

The Conservative Affirmation. By WILLMOORE KENDALL. Chicago, Henry Regnery, 1963.—xiv, 272 pp. $5.95.

This collection of Professor Kendall's essays and reviews could well presage his emergence as our foremost conservative critic of

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liberal orthodoxy. The theme he uses to introduce and unite these pieces is the "liberal revolution" in America. For Kendall, today's political liberals are plebiscitarians and egalitarians, proponents of the centralized welfare state and strong presidency, and thus bent on revolutionizing the foundations and original purposes of the republic. Philosophically, the liberals are secularists, positivists, and moral relativists, and, ultimately, champions of reason against revelation.

Kendall presents this portrait of contemporary liberalism against a background of his own reading of aspects of American history and of certain traditions of Western civilization. Although he is most noticeably silent on the implications of industrialism for hope for any real conservative order, he is forthright and unique in asking more reticent conservatives as well as liberals to examine their stand on the equality clause of the Declaration of Independence, the meaning of free speech, the usual justifications for the "open society," and other vexing issues.

Hopefully, critics will take up Kendall first on scholarly rather than polemical grounds. For example, has not liberalism in action and theory been more divided and confused about Madisonian pluralism and the limits of majority rule and minority rights than Kendall grants? Didn't the writers of the *Federalist* papers worry at all about insufficient national power and particularly in the executive? Are relativism and rationalism, absolutism and revelation, effective scholarly categories for identifying political liberals or conservatives? What of a host, at random, of figures like the republican Lamennais, that arch anti-democrat, anti-liberal, atheist Nietzsche, or Acton, Fitzjames Stephen, T. H. Green and other assorted Hegelians, the mystic Charles Péguy or the neo-orthodox Reinhold Niebuhr?

Kendall, I imply, too often merely invokes polemical categories and fails to explain and analyze with fullness and precision. Despite impressive gifts and accomplishments he has been, perhaps, too tempted by market-place squabbles, too attentive, for his splendid talents, to the coarse programmatic interests of the yelping Left, Center, and Right. There must be many waiting for him to give himself over to creating the complex formulations required by durable scholarship and a thoroughly philosophic challenge to liberalism. As an admirer of Eric Voegelin he may then realize, more than he seemingly does now, how in the sweep of time and confounding of human purposes all cultures fail and how much a sin it is against intellect and the Holy Ghost to make any of a man's political enterprises into an absolute.

I mention the last because Kendall recurrently displays a curi-

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ously unconservative impatience with the limits of culture and an unsettling attraction to ideology, to mere belief in beliefs. These qualities suggest to me how potent still are his roots in an old-fashioned American evangelical radicalism or radical evangelism. I do not wish, however, to reduce his ideas to sociology or psychology. Whatever category fits him, he is still among our most stimulating heretics who is at least putting the questions everyone else is avoiding or forgetting to ask.

BERNARD WISHY

NEW YORK CITY

The Meaning of History. By ERICH KAHLER. New York, George Braziller, 1964.—viii, 224 pp. $5.00.

In an age that is supposedly very historical-minded, Erich Kahler here asserts that the ruling tendencies are in fact anti-historical. Apart from the constant atomization of daily life and news, social study is dominated by positivistic or purely descriptive work. American specialists in particular are little interested in the subject of this book, the philosophy of history. I suppose that most of them, in what I am told is an "Age of Behavioral Science," would consider academic or unprofitable Kahler's main argument: that Karl Popper notwithstanding, history does have meaning. Nevertheless his thesis seems to me both sensible and important.

He develops it by a learned survey of the development of historical consciousness. Briefly, the Greeks best expressed the meaning of history as "form," but sharply separated the human from the divine or cosmic realm. The Jews contributed meaning as "purpose." Christianity took over the divine purpose in history, but with paradoxical results: by its radical separation of the spiritual and the temporal it prepared the way for the complete secularization of human history. Hence "the Renaissance marked the beginning of man's settling down on earth for good." With the triumph of reason over faith came the modern meaning of earthly progress.

Kahler does not argue that human history has been a simple progress, still less that is has any finite goal. Rather he dwells at length on the familiar theme of how in our progressive control of nature, through science and technology, "we have lost control of ourselves, of human nature and the human world." The stress on quantification, rational organization, and purely functional purposes (a tendency it is possible to detect in the social sciences) has obscured broadly human purposes; overrationalization has produced irrationality. Kahler argues only that the history of

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mankind has been an evolutionary expansion, with a basic coherence and continuity, leading to the "One World" that everybody talks of today.

His work sometimes makes heavy going, no less because he often italicizes elementary statements. His rather ponderous style may trouble even readers fond of the vast technical terminology elaborated by behavioralists. He also uses too freely such terms as "inevitable" and "epochal turns," recalling his Hegelian antecedents, and he may make too much of obscure works that neatly illustrate his thesis.

Most debatable is Kahler's assumption that historical consciousness has been confined to our Western civilization, "the only one to have developed history proper, explicitly and distinctly human history." I think he is pointing to a very important difference between Western and all other civilizations, one too often slighted these days, but I have misgivings about that "history proper." The meanings he finds in history are not simply there, available to all inquirers—they have been given to history by Westerners, especially meaning as "purpose." And they raise an immediately more troublesome issue. While committing himself to the unfashionable idea that Western civilization represents "the leading strain of human evolution," Kahler also embraces the more fashionable one that it has been unmistakably degenerating, and that our "basic human substance" may be spent. He thinks the Slavs and the colored peoples of Asia and Africa have a far better chance of taking up the torch, maybe after another "dark age." The one alternative he sees to our disappearance from the scene is that we "join forces with these peoples of the future." Although this would give us a goal, and so preserve "history proper," some may find the price of Kahler's thesis rather exorbitant.

But at least he forces fundamental questions. As he concludes, this is the time if ever to raise such questions. As it is, they are likely to be not merely ignored by most specialists but too easily dismissed by positivists as "meaningless."

HERBERT J. MULLER

INDIANA UNIVERSITY

Political Economy, Volume I: *General Problems.* By OSKAR LANGE. Translated from the Polish by A. H. Walker. New York, Pergamon Press, 1963.—ix, 355 pp. $6.50.

"Ogni viltá convien che qui sia morta"—all cowardice must die here—reads the last line of this book. Marx, who first recommended this quotation from Dante to economists, was better

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placed than the author; he needed only intellectual, not also moral, courage. That the intellectual standard of a work by Dr. Lange should be very high, all readers of his American-period works will expect, and they will not be disappointed. But how does he measure up to his own more exacting challenge?

An ordinary Polish economist today can say much, but not everything. He must, where relevant, profess a vaguely Marxist world outlook, and he may not advocate Titoism, or extreme decentralization, for the socialist sector in Poland. Economics is perhaps the freest of the social sciences. But an economist who is also on the party's central committee, and is writing a general, high-level, methodological, introduction to the whole of political economy, must be more cautious. Dr. Lange has by no means been as free-spoken as other Polish economists, but in the specifically Polish context it is not trivial that a Central Committee member should have gone so far. For the divorce between good economic advice and bad economic practice is as wide in Poland as in the United States, and few powerful men have much sense. It is as if Mr. William McChesney Martin had written an insightful work on poverty.

The work is also very useful for the non-Communist, since it helps him to an understanding not only of Communism but, in a genuinely constructive way, of himself. Not for nothing do we attribute to Dr. Lange himself the saying: Socialist economics is about capitalism, and capitalist economics is about socialism. Having ceased perforce to write with candor or originality about the latter, he can still instruct us on the former.

Since the book is not polemically phrased let the reviewer stop at being politely firm about its defects. (1) The old Marxian fallacy, that services are no part of income and economics is only about material goods, is repeated without question (pp. 1, 2, 6, 7, 149). The author does not even try to make it seem more plausible than Marx did, or hint that the doctrine is not accepted in the West, or refer to Polish articles that also deny it. But his treatment does at least make it clear why the fallacy is so attractive to Marxists (p. 46); it springs not merely from Ricardo's precedent, but from the materialist conception of history itself. However sophisticated subsequent proponents of the dialectic may have been, Marx grew out of Feuerbach. If the "relations of production" and class war and all his other concepts and doctrines apply equally to the service trades, materialism does not.

(2) The failure to acknowledge Keynes is, in a general work of 342 pages, a major disgrace. Keynes' doctrine is mentioned

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only in one sentence on page 309. It is not described or evaluated. Its historical effects on the performance of market economies are not mentioned. We are all entitled to rise above our masters, but not to make unpersons of them.

(3) The continued rise in real wages under capitalism is a flat refutation of a major part of Marx's system. No Communist is, of course, very comfortable here. The particular evasion the author chooses (p. 115) has at least the merit of originality. It isn't that Marx really meant *relative* "immiseration" (profits rise faster than wages); nor is it that as imperialism expands, capital, employing more workers in poor countries, employs poorer workers on the average;[1] nor again are we asked to substitute the decline of some kind of psychological satisfaction for the rise of sheer purchasing power. We are simply asked not to take Marx seriously. To do so would be Whitehead's "fallacy of misplaced concreteness"; in Lange's words, "drawing concrete conclusions from abstract conceptions or theories." Next time your reviewer makes a plain factual error (it will not be long) he hopes his critics will remember this passage.

(4) The failure of Marx's prediction that the proletariat would revolt in the advanced capitalist countries is nowhere mentioned (see pp. 61–63). Yet it is the keystone of the arch. Lenin's shift of emphasis toward underdeveloped countries gets, therefore, similarly short shrift.

(5) Marx, in *Capital,* Book III, Chapter 12, admits that the labor theory of value explains no single individual price. What, then, can a theory of value be which does not tell us the prices of individual things? Lange's solution (pp. 113–14) is the same as for (3): Marx must not be taken seriously. "Abstractions . . . cannot be directly verified. Surplus value as such, for example, does not appear in the actual economic process. . . . Similarly, value does not appear as such in reality." Nothing remains, I am bound to conclude, of the *labor* theory of value; and as to *surplus* value, it boils down to the statement that there is unearned income under capitalism.

(6) The reader deserves a far more honest account of the present chaos which governs resource allocation under socialism (pp. 178–86). We are not told that the problem was not even recognized to exist until about 1954; nor that institutional rigidity has prevented much progress in its solution; nor that computers and linear programming, to which the author devotes commendably much space, are still *Zukunftsmusik,* and have

[1] Even if both the poorer and the richer workers are paid more, the average wage falls if the proportion of poorer workers expands fast enough.

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hitherto had practically no effect on planning; nor, of course, that in consequence these things are better handled under capitalism. Above all, Yugoslavia and market socialism are entirely omitted from the whole book—a fact for which the date of composition is probably responsible. Nineteen-fifty-eight was a year of very great tension between Yugoslavia and the bloc.

(7) It is again very misleading that competition is quite omitted from the discussion of resource allocation under capitalism. Without competition it is indeed possible to maintain, in the author's very striking phrase, that rationality, though originating under capitalism, remains private and asocial (pp. 173–77). But since there is competition private and social rationality are very often the same. In this passage I am also unhappy that mere accountancy has been virtually equated with rational allocation, and that the falsehood is repeated that Leontief originated his input-output analysis in a Soviet journal.

There is, thus, plenty to complain of, and it is of the usual sort. But many critical passages on capitalism and on Western economics are very brilliant, and I have learned much from them. It is in particular salutary to see resource allocation, which receives an emphasis not inferior to that in a Western textbook, nonetheless dismissed as no true part of political economy, which the West has disgracefully abandoned:

> It lost interest in the relations of production which formed the basic interest of classical political economy and which became the core of Marxist political economy. This is a reflection of the position of the triumphant industrial bourgeoisie which, having overcome the obstacles to the development of capitalist relations of production presented by feudalism, guilds and mercantilism, was now only interested in market problems (p. 297).

For political economy is "the study of the *social* laws governing the production and distribution of the material means of satisfying human needs" (p. 1, my italics).

This subject is in Marxist eyes the queen of the sciences. Resource allocation, or rationality, is a separate study ancillary to it, but independent in that it is ancillary also to other disciplines. War, statistical theory, and the design of scientific experiments also use the same principles. Dr. Lange gives a general name to this science of scarce means and competing ends: praxeology. He takes this from his compatriot, the logician Kotarbinski, who I understand has indeed a good claim to have founded the subject as a single, unified discipline.

The harkback to the splendid tradition of Polish logic is the most successful and original part of this work. It is also practically important, since there follows a skilled grafting of praxe-

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ology, or economic rationality, onto Marxist economics. The graft is of course an alien growth; a praxeological approach to resource allocation is in fact extremely subversive of both Marxist theory and Soviet-type institutions. Whether wisely or innocently, the author conceals this. On the institutional side he implies that capitalism would have greater difficulties in attaining full social rationality. Certainly if we over-emphasize the word "full," only a computerized socialist utopia will do. But it is undeniable that existing capitalist institutions easily carry the day—in this not really decisive question—over existing communist ones. On the theoretical side, a great stumbling block is the Marxist preference for average over marginal concepts. The author ingeniously uses the absence of the latter from linear programming to belabor marginalism (pp. 197–207); your reviewer finds he has simply demonstrated a fault in linear programming.

I conclude that the appeal to Polish nationalism will probably sell praxeology and rationality to Polish Marxism, and that the author has rendered signal service to his country. Other Marxists may be less impressed, though heaven knows they need it more. In the West, this work should figure in every bibliography for the history of economic doctrine.

PETER WILES

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Industrial Growth and World Trade: An Empirical Study of Trends in Production, Consumption and Trade in Manufactures from 1899–1959, with a Discussion of Probable Future Trends. By ALFRED MAIZELS. Cambridge, Cambridge University Press, 1963.—xxiii, 563 pp. $14.00.

The complete title is long but certainly necessary to give some idea of the comprehensiveness of Mr. Maizels' work. For some time to come it should remain the standard statistical source of information on world production and trade. However, it is much more than a statistical repository. Mr. Maisels' analyses of the raw data through aggregation, computation of summary statistics (for example, ratios and rates of change), and the liberal use of graphs and charts easily permit the reader to grasp the major discernable trends without obscuring the nature of the underlying data—a nice balance of objectives which is not always maintained in massive statistical investigations.

Production and trade patterns within and between groups of countries are investigated through both time series and cross-section studies. The author proceeds by arbitrarily dividing countries into industrial, semi-industrial, and non-industrial

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categories. However, production and trade patterns are extensively investigated for the individual major trading countries as well. The analysis of manufactured commodities is usually disaggregated to the extent of considering metals, machinery and transport equipment, chemicals, textiles and clothing, and "other manufacturers" as five separate commodity groups, although occasionally disaggregation is carried further. An alternative classification dividing commodities into capital goods and consumer goods is also used. Rather than attempting a completely comprehensive description of the book's contents, this reviewer will concentrate on those aspects of Mr. Maizels' work that compare the experience of poor semi-industrial countries to the rich industrial ones.

The relative emphasis on agricultural versus industrial growth is one central problem that developing countries face. Socialist planners generally unhesitatingly push the latter very strongly, while international trade theorists concerned with comparative advantage tend to be skeptical but not forthright in their views. The author presents a table (p. 28) to indicate that in only three significant cases (Australia, New Zealand, and the United Kingdom), is output (value added) per man in agriculture greater than it is in manufacturing; and the United Kingdom's farm sector is very heavily subsidized. On the average in the thirty-nine countries depicted, labor productivity in manufacturing is one and a half to two and a half times as great as it is in agriculture. Moreover, there is a marked negative correlation between the proportion of the population engaged in agriculture and the ratio of labor productivity in agriculture to that in manufacturing. A further chart (p. 32) indicates an extremely strong positive correlation between output per person engaged in manufacturing and the per cent of the total population engaged in manufacturing. Together, both these results mean that poor countries with very small manufacturing sectors have very low labor productivities in manufacturing, but even relatively lower labor productivities in agriculture. Although Maizels is only observing correlations and not cause and effect relationships, expanding the size of the manufacturing sector seems to be strongly associated with rises in labor productivity in both sectors.

Within the industrial sector taken by itself, great shifts occur in the composition of manufactured output as per capita income rises. One can either look at changes through time in single countries which have experienced rising incomes or take a cross-sectional view of a number of countries at a point in time. Either way, one is struck by the unbalanced growth patterns in various industrial sectors as per capita income rises. Production

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in the metal products industries tends to rise almost twice as fast as per capita income rises, while production in the chemicals and basic metals industries rises only slightly less quickly than metal products. Conversely, production in food products and textiles tends to rise slightly less rapidly than per capita income rises. If the effects of changing technology through the passage of time are separated from the effects of simply raising per capita income, then this time trend seems further to favor the growth of chemicals, but also to intensify the relative decline in food products and textiles. One of the main results of Maizels' analysis is to show that time series analyses tracing the industrial growth of the rich countries and cross-country studies at a recent point in time comparing the industrial structure of the rich and poor countries are both necessary to get an overall picture of the patterns of industrial growth likely to occur in the future.

The broad impact of industrialization on the relative size of a country's foreign trade sector cannot be generalized in any easy way. What Maizels does document are striking historical differences in the use of trade in the development process by what are now the high income countries (North America, Western Europe, Japan) compared to other countries just beginning the process of industrialization. Maizels arbitrarily divides countries into three groups, industrial, semi-industrial, and non-industrial, according to rough criteria involving per capita output of manufacturing and the proportion of total manufactures in finished exports. The industrial group includes Western Europe, the United States, etc., and even Canada and Japan both barely qualify. The semi-industrial group includes such diverse countries as India, Australia, Brazil, and Turkey. Most African countries would qualify as non-industrial. Maizels does not study the Soviet bloc, with the exception of Yugoslavia.

In the early stages of industrialization and income growth, the natural tendency evidenced in all countries is for home production of manufacturing supplies to rise faster than imports of manufactures from abroad. This relative decline in the importance of imported manufactures is what Mr. Maizels calls *import substitution.* However, the author marshalls a great deal of evidence to suggest that the degree of import substitution that has occurred since 1913 in the poor semi-industrial countries has been relatively much greater than that of the rich industrial countries. This would seem to be true even if we considered the currently rich industrial countries at the early stages of their industrial development. The postwar boom in which manufactures imported into the industrial countries have actually risen faster than manufacturing output, seems not to have

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affected the semi-industrial countries. The latter have simply continued the process of import substitution. For example, he gives (p. 155) the unexpected statistic that manufacturing imports into India in 1959 were no higher than they were in 1913.

Theorists in the field of economic development very often talk about the alternatives of using export expansion or import substitution to effectively "earn" foreign exchange to buy capital goods and intermediate products to support heavy investment programs. From the information provided by Maizels, it is very striking to the reviewer how far the process of import substitution has already gone. Import substitution in this sense refers only to the composition of the import bill. Either from the engineering point of view, where the semi-industrial countries have almost eliminated technologically "easy" industries such as textiles from the import bill, or, almost equivalently, from the final use point of view where final "consumer" manufactures have been reduced as a fraction of the total import bill, it seems that import substitution has gone a long way. Maizels gives a recent illustration (p. 320) for the production of bicycles in India: "In 1950, Indian production was 103,000 and imports were 166,000; production rose rapidly . . . to 1,050,000 in 1960, while imports reduced . . . to only 200 in 1960." Assuming fixed export earnings, it seems that further reliance on the import substitution route for "earning" foreign exchange will involve the production of technically complex capital goods where economies of scale are important. This could be against the comparative advantage of the poor semi-industrial countries, which in turn could imply a further lowering of their output/capital ratios compared to those of the advanced industrial countries.

Maizels does document the export side of the lack of expansion of imports into the semi-industrial countries. He attempts to deal with the problem of whether the lack of expansion of exports is due to a Nurske-type *demand deficiency* by the industrial countries for primary products; or whether there is a *supply limitation* due to industrialization itself. Maizels finds no statistical support for either view. He attributes the lack of expansion of exports of the semi-industrial countries solely to the specific commodity pattern of the exports of these countries. To explain, if exports in the same commodity groups (those of the semi-industrial countries) are looked at for the non-industrial and the industrial countries, they are found to be stagnant over the last few decades just as in the semi-industrial countries themselves; whereas if one looks at primary products, which are non-competitive with those of the semi-industrial countries, they exhibit an export expansion which is only slightly less than that

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of manufactures. They virtually double between 1937 and 1955. These results do not depend on whether you use the non-industrial or industrial countries as standards of comparison. Hence, Maizels reaches his conclusion that export performance of the semi-industrial countries is not related to the fact they are industrializing, but only to the nature of the specific products they export.

This lack of export expansion (or failure to increase imports associated with great import substitution) on the part of the poor semi-industrial countries should not rest solely on the fact that they are tied to an immutable set of export products. Evidently the Japanese were able to make the transition from a high degree of dependence on silk exports to develop the export of manufactures. It seems to the reviewer that Maizels' statistical analysis sets up a presumption that the development programs being followed by the poor semi-industrial nations have a serious anti-trade bias. A disaggregative analysis of the positions of individual countries might be profitable to see if such bias really exists, compared to the trade patterns of the industrial countries. "Natural" phenomena such as resource endowment and economic policy such as disequilibrium exchange rates, taxes on trade, and the like, come to mind as possible sources of such bias. With such information, it may be possible to decide if this anti-trade bias has pushed the semi-industrial countries off their optimum growth path.

Mr. Maizels makes some projections (p. 398) of the trade and payments position of the primary producing countries for the years 1970–75. This corroborates what has been emphasized in this review: simple projection of export trends together with recognition of the more limited possibilities for import substitution indicate a payments deficit that will take unrealistically large capital transfers from the developed countries to cover. A doubling or trebling of the current levels of such transfers would be required. Thus it appears that export expansion from the developing countries is vital, if only to maintain their current rates of economic growth.

In the eyes of the reviewer, Mr. Maizels' contribution to our empirical knowledge in international economics has been very great.

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Post-Primary Education and Political and Economic Development. Edited by DON C. PIPER and TAYLOR COLE. Durham, North Carolina, Duke University Press, for the Duke

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University Commonwealth-Studies Center and London, Cambridge University Press, 1964.—x, 238 pp. $7.50.

Readers of this book should be warned that the term "Post-Primary Education" is not used in its usually accepted connotation. The term became popular, particularly in England, as part of the movement for "secondary schools for all" and to denote the education of all adolescents in a number of types of secondary education differentiated from the traditional "academic" type. In the present volume hardly any attention is devoted to adolescent education, except in two of the essays. The volume in fact consists of a number of papers that were read before the Commonwealth-Studies Center Joint Seminar, held at Duke University in 1963. The essays, however, are separate and distinct and do not seem to have a common integrating purpose. Despite the statement of the editors that they were "directed specifically to the impact of post-primary education on both the political and economic development of the new members of the Commonwealth of Nations," more attention is devoted to higher education than to any other aspects of "post-primary education."

The organization of the volume could have been considerably improved if the problems so clearly stated in the essays by L. Gray Cowan ("British and French Education in Africa, a Critical Approach"); by T. N. Silcock ("The Role of Education in the Political and Economic Development of Southeast Asia"); and by C. Walter Howe ("African Approaches to the Development of Higher Education") had been placed in that order at the beginning of the volume. Some, but not all, of the problems that face the newly independent states are stated clearly in these essays. There is hardly any reference at all in the volume to primary education, which is as important in these as in other countries for social and political development. Nor are the difficulties of nation-building discussed, except in the essay by T. N. Silcock, who notes the multi-lingual, multi-national difficulties met in Southeast Asia.

Although they do not seem to be directed to a single aim and although the common element is "development" (economic or political or both), seven of the essays deal competently with the topic that each writer discusses. Two others ("Economic Development and Post-Primary Education" by C. Arnold Anderson, and "Education and Political Development" by S. N. Eisenstadt) are so ponderous and verbose that it is difficult to discern what contribution they are supposed to make to the thinking of statesmen, politicians, or electors concerned with development of any kind in Africa or Asia. M. Brewster Smith deals effectively, in his discussion of "Foreign and Indigenous Education,"

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with "the alternatives open to developing countries as they struggle to meet their needs for higher education as a facet of elite recruitment and socialization to man the responsible and specialized positions of a modernizing state and economy." He makes a good case for indigenous education with foreign study at appropriate stages as a supplement. Although he seriously regrets "our lack of knowledge about the role of the military in building the nation-state and giving a people a feeling for national existence and national progress," Lucian W. Pye successfully presents a comprehensive picture of the problems and issues involved not only in promoting national loyalty and a sense of citizenship, but also in contributing through vocational training for army needs to the skills required for industry and modernization. In a forceful essay on "American Higher Education and Political Development," Joseph LaPalombara insists that "our self-interest dictates a foreign policy aimed at helping the new states to take on total configurations that do not threaten world peace and, therefore, our own national security." He does not accept the thesis that economic development, which has been the main aim of American aid abroad, inevitably and automatically leads to political development. He contrasts activities sponsored by the government and by foundations in favor of the latter as less limited. His own conclusion is that "political institution-building is at best only a remote consideration; at worst, it is the kind of overseas involvement for American universities that is assiduously avoided." Accordingly he strongly urges that American universities "have a basic responsibility to participate in *political* development abroad." In this view LaPalombara has the support of John P. Powelson who, in his essay "Educational Assistance, Economic Development, and United States Foreign Policy," presents the view that "it is to the interest of the United States that this misunderstanding [between nations] be discussed, cultural differences explored with those who differ from us, and history put into proper perspective." More emphasis, he believes, should be placed on all the social sciences in educational relations abroad and education should be used as a weapon as well as for the promotion of "honest seeking for scientific truth." The contributions of Howe, Cowan, and Silcock, which should have opened the volume, have already been mentioned.

On the whole, despite the scholarly competence of most of the essays, the volume lacks a certain synthesis, a unifying conspectus which could have made it more useful.

I. M. KANDEL

WESTPORT, CONNECTICUT

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The Congressman, His Work as He Sees It. By CHARLES L. CLAPP. Washington, D.C., The Brookings Institution, 1963. —xi, 452 pp. $6.00.

Few institutions are regarded with more puzzlement than the House of Representatives. In recent years the House has been under heavy attack from political scientists and journalists. Although much of the criticism is deserved (indeed this writer frequently has cried for reform), few critics have a comprehensive grasp of their subject; for no parliamentary process is more complex, and no member of any parliament is called upon to play more roles than a member of the House of Representatives. While there are, to be sure, many books and articles (Senator Joseph Clark's works, the letters of the late Congressman Clem Miller, Neil McNeil's study of the House, James MacGregor Burns' writings among others) which give important insights into the congressional process, until very recently no single book provided a comprehensive, in-depth understanding of what it means to be a member of the House and how that very peculiar institution operates. Fortunately, such a book has now been published.

Clapp's book is not the product of one author. It has been written by the thirty-six Congressmen who participated in a series of round table sessions held at The Brookings Institution in 1959. Two panels—one consisting of nineteen Democratic members, the other of seventeen Republican members—meeting separately at eight dinner meetings, discussed Congress fully and frankly in an atmosphere of intellectual inquiry. The book is also derived from some fifty individual follow-up interviews with other members and staff of the House of Representatives by Clapp, then a member of The Brookings Institution staff and now legislative assistant to Senator Saltonstall.

In addition, twenty-one wives of conference participants attended a three-hour luncheon meeting to discuss their husbands' work and the special problems that face congressional families. A chapter on the role and attitude of congressional wives adds a unique feature to the total story.

What has emerged from these well edited conversations and interviews is the illumination of the world of the Congressman and the environment in which he lives and works. Not all that appears in the light of self-revelation is pleasing by any means. The dullness and general irrelevancy of House debate, the tyranny of the committee chairmanship system, the almost overwhelming demands of constituents are plainly revealed in the language of the participating House members. Approximately one third of the book consists of quotes. Of course, names are

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not identified, which led to one of Washington's most popular parlor games when the book was published. Here are a few illustrations.

One first termer said bitterly:

> I came here thinking this was for real, that this was the only parliament where democratic processes were at work. That is a myth I find. You can't stand on the floor and inform people; they don't want to listen. . . . If anybody thinks he is going to come down here and legislate he is crazy.

Another more experienced lawmaker commented:

> The . . . committee [all reference to specific committees and Congressmen are eliminated in the original text] offers a good example of complete and total dictatorship in action. The chairman runs the committee with an iron hand. He puts people on the subcommittees, takes them off, and announces transfers at will.

A Congressman lamented:

> Many citizens think we are a social welfare agency. We do have a responsibility to help, but it is clear that it handicaps us in carrying out our real duty, which should be that of legislating for the nation.

In ten absorbing chapters the relationship of the Congressman with his colleagues and constituents, his own role and that of pressure groups in the legislative process, the workings of the committee system, the nature of congressional leadership and problems of re-election are all explored with many illustrative anecdotes.

For the political scientist the book provides an insight into the realities of the legislative process in the House. It reconfirms Woodrow Wilson's observation of 1885 that we have "a government by the standing committees of Congress." Because constituent demands leave insufficient time for thorough study of many issues, there is heavy reliance on the reports and actions of the committees involved, increasing the influence of specialists and strengthening the power of committee chairmen.

For the behavioral scientist or social psychologist the book focuses on the interplay in the legislative process of personal relationships, which so often shape and mold the end product.

The student of political campaigns will find how highly individualistic in this age of mass public relations are the campaign techniques employed by members.

Salient insights are afforded on a number of questions. For instance, the perennial one asked of every legislator by inquiring students—If you conscientiously believe in a position to which

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your district is opposed, do you vote your conscience or your district?—is seldom posed in actuality. Although I believe that a member's philosophy generally reflects the political attitudes of his district, the participants in the Brookings round table agreed that a member has considerable latitude in voting and can survive an unpopular vote. The "vote your district" rationalization, which has been so encouraged by congressional leadership that it contributes to the failure to construct a party program, is too often a justification for a vote which the constituency did not require.

One of the discouraging notes struck is the pervasiveness of the system and the tendency of men of ability and talent to be absorbed by the "go along to get along" philosophy. In a way it is surprising that among the thirty-six intelligent and articulate participants no real note of revolt is sounded. There is an acceptance of the *status quo*—the seniority system, the entrenched power of committee chairmen, the rules of the game, including the power to obstruct vested in the Rules Committee. And the tolerance toward loose, not programmatic, and generally non-communicative leadership is disturbing.

The point is made and well taken that a member seems to face a choice between seeking a position of ultimate influence within the House by adhering to the traditions or affecting public policy by directing himself to a national audience. This should be more deeply probed. To what extent can a member of Congress influence public policy on the broad issues of the day? Must he be content with specializing in his committee work until he acquires sufficient seniority to affect a segment of a program? If he attempts to paint a broad brush, to challenge, to question, to suggest alternative national goals, is his progress in the House impeded?

It is disquieting that there was not more demand for reform, not more indication of dissatisfaction. Perhaps the system simply overpowers. But it need not be so. Politics too often yields conformists and safe players, too seldom innovators and boat rockers.

Perhaps the greatest credit to the book is the fact that, rather than a polemic for anyone's point of view, it is an accurate account. If the account is somewhat disillusioning, which I suspect will be its effect on the uninitiated, it is also an account of excitement, sacrifice, and dedication. The attitude of many who serve in the House was summed up by one veteran Congressman:

> Occasionally, perhaps just once or twice a session you sit there on the Floor and are able to think of yourself as one tiny particle in the whole stream of history. The hard work falls away, and the

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> tension is relaxed and you have a sense of purpose that I don't think you find in any other profession.

Anyone who wants to understand the House, and that should be anyone who is interested in democracy, should read *The Congressman: His Work as He Sees It.* If one were to draw a generalization on the House of Representatives based on this incisive book, none could be more appropriate than the following by one of the participants in The Brookings Institution meetings:

> You've got to realize that not only are we sitting there trying to analyze legislation, trying to do the best job we can, but that factors other than absolute reason are always entering the situation. We are not participating in this process in an academic environment, secluded from pressures and other factors, which may not be completely relevant to the situation at hand. We are operating in a political environment, surrounded by lobbyists, constituents, the leadership, and jangling telephones and we virtually have no time alone to think and reflect upon the problems before us. The big miracle is that somehow all of this works. On paper looking at the situation, you'd say it couldn't possibly work and yet the fact is that it does.

It does work. But how to make it work better and more responsively to the needs of the people is the question which remains and which should be the continuing concern of all of us.

WILLIAM F. RYAN

U. S. HOUSE OF REPRESENTATIVES

James Forrestal: A Study of Personality, Politics, and Policy. By ARNOLD A. ROGOW. New York, The Macmillan Co., 1963. —xv, 397 pp. $6.95.

Mr. Arnold A. Rogow has written a fascinating biography of James Forrestal. He traces Forrestal's life from birth, through his school years, college, business, to Washington, where he was Secretary of the Navy and later the first Secretary of Defense after the "unification" of the Armed Forces. Based upon interviews and documentary evidence, the biographer arrives at the conclusion that Forrestal had to fight for most of his policies and that many of his decisions provoked criticism, obstructionism, and even vituperation. All this, plus the great burden of office with its responsibilities and obvious frustrations finally produced an unbearable strain under which he broke. Forrestal became depressed, despondent, and finally committed suicide. The question arises, Was he the victim of all these forces working on him or was his own makeup, which is described as sensitive, aloof, and suspicious, responsible for his tragic end?

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We often see depressions without any particular outside cause or where the cause is rationalized by the person. On the other hand, in many instances, environmental burdens may precipitate the depression in susceptible individuals. Which factor is predominant in a depression, the endogenous or the reactive one, can only be decided by careful psychiatric examination. Are we able to foretell how an individual will respond to stress? This is possible up to a point if we discuss standard stresses, but not if we are confronted with jobs like those that Forrestal held. The strains of a Cabinet position are not standard. Much of the strain is based on unexpected happenings and often unforeseeable complications. For instance, in a peaceful era, the Secretary of Defense is under different pressures than during a war or preparation for war. Because the world situation may change suddenly, who is able to assess the stresses which may be generated and those with which we have to cope?

If we were to assume that only persons who would be able to withstand any form of strain should be appointed to high office, we would have to rule out most people for these particular jobs on theoretical grounds. The practical situation, however, is usually quite different, with the exception of some borderline schizophrenic or depressive individuals who show a hypersensitivity and over-reaction to anxiety to every kind of life situation. The other human beings' stamina or lack of it is more circumscribed. One will find decision-making and the responsibility that goes with it a great strain. Another will be highly sensitive to criticism, and again another will not accept success very well. All these different vulnerabilities cannot be detected beforehand, especially if a person has not been exposed to similar stresses before. The obviously emotionally ill can be and should be prevented from taking positions with which they cannot cope, but many are undetectable with our present armamentarium of clinical and other examining methods.

We are also confronted with a much more difficult situation if a person in high office becomes emotionally disturbed or mentally ill. The recognition of such an illness is not always easily determined by relatives, friends, and co-workers, but even if they suspect it or recognize it, coping with it often becomes a very difficult problem. There is a tendency, for obvious reasons, to minimize, to cover up, or to hush up, and to temporize and wait, with the expectation that the disorder will right itself. This is particularly true if it is assumed that the mental state is due to a great deal of environmental strain, overwork, and responsibility. Very often the environment joins the patient in rationalizing the difficulties. This is also true in appraising the

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seriousness of the mental disorder present. Another factor which contributes greatly to this form of reaction is the attitude of our society toward mental disease, which is considered something else than other diseases, that something else being that they are far more skeptical about therapeutic attempts and achievements than in other diseases. The solution, therefore, is to deny the existence of the mental disorder instead of doing all that is possible to treat it expeditiously and effectively. Unfortunately the attending psychiatrists are sometimes caught up in the same attitude where they are pressured by the family or by political friends of the ill person not to declare him ill in order to camouflage his diagnosis and to temporize with treatment because this would otherwise reflect on the patient's capability and competency.

We do not believe that persons who suffer from a serious mental illness should hold responsible positions for the duration of their illness. On the other hand, we also have to recognize fully that some mental illnesses occur only in special constellations and that if they are not present, the person functions quite well, and many of them exceptionally well. Mental disease does not make a person outstanding or brilliant. Mental disease often impairs the function of a person, particularly when it comes to judgment where emotional factors could influence even the most outstanding abilities negatively. This is why it has always been felt, and justifiably so, that a seriously mentally ill person should not have grave responsibilities for other persons' welfare. But today we may say what we could not have said in previous centuries: if a person develops a mental disorder, especially a depressive kind, it can be treated effectively and relatively quickly, restoring the person to his former state of health. Many persons who develop depressions are outstanding individuals with a great deal of ability and competence, and they are as good or better than other persons who never had a depression in their lives. The tragedy, as I see it in Forrestal's case, was that for many reasons he was not treated immediately and with the most effective methods of treatment available. For understandable reasons which I have outlined above, the situation progressed to its tragic culmination.

PAUL H. HOCH, M.D.

DEPARTMENT OF MENTAL HYGIENE
ALBANY, N. Y.

George C. Marshall: Education of a General, 1880–1939. By FORREST C. POGUE, with the editorial assistance of Gordon Har-

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rison. New York, The Viking Press, 1963.—xvii, 421 pp. $7.50.

As has been noted by other reviewers, this volume, the first of three designed to provide a life-and-times biography of Marshall, justifies an expectation that the need for such a biography will be fulfilled thoroughly and well. The author, Forrest Pogue, and his editorial collaborator, Gordon Harrison, both historians in uniform during World War II, have each contributed a distinguished volume to the *U. S. Army in World War II*, and Dr. Pogue is director of the new George Catlett Marshall Library and Research Center at Lexington, Virginia.

One of the principal reasons for general interest in this first volume also gives it a special interest for political scientists. It concerns itself with the question: What light can history throw on the question how the United States, suspicious of the military profession and keeping its Army, until recently, on a starvation diet in peacetime, has been able to produce the military officers that led its forces to victory in two world wars?

Marshall's is a classical case in point. As Chief of Staff, Commanding General of the Army of the United States, and acknowledged leader of the Joint Chiefs of Staff, he was the architect of American victory in World War II and won the reluctantly conceded respect of his British colleagues in the Combined Chiefs of Staff. And yet, during the period of preparation for supreme command, the meagerness of the American Army's establishment had delayed his promotion to the grade of Brigadier General until 1936, when he was fifty-six, in spite of his brilliant record in World War I, and then only under pressure from Pershing, and had denied him command, except in maneuvers, of any unit larger than a regiment.

Well aware of the question, the author of this volume has done all that a historian can do to answer it. The thoroughness of his research and the wealth of evidence that he has dug up leave little to be desired, and he has combed this evidence for the answer. But the volume leaves us wondering whether it may not, in the last analysis, have been the responsibilities of office that account for what Marshall became as Chief of Staff. The answer, in short, may lie beyond the reach of science, in the unpredictable realm of individuality.

Two questions this volume does answer: How did Marshall train himself for top command? What were the qualities that won it for him?

One of these qualities was ambition. It was accompanied by calculation. But it was, from the first, an ambition to succeed

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by achieving excellence in qualities on which Marshall believed that military success should rest. He scorned self-promotion. It is true that when his ambition became concentrated on appointment to be Chief of Staff and his last chance for this came up, he stage-managed the efforts of his powerful Army friends to have him appointed, but only to avert a suspicion that he was using their influence to reach his goal.

His determined and successful effort to discipline and shape himself to achieve his ambition is the impressive fact that emerges from the history of his "education"—this and his perception of the qualities in himself and of the opportunities in his career that he could use to advantage.

In the First World War Marshall demonstrated a superb capacity for effective staff work and won the admiration and friendship of officers in the top commands of the AEF, including Pershing, who retained him as his aide for the next five years. Marshall was not an original military thinker, and in the period of his preparation showed no interest in theories of war or the grand shape of future battles. But his practical mind had been imbued by Morrison at Leavenworth in 1906–08, and later by Pershing, with the conviction that the American Army must be trained and equipped for a war of rapid movement. Applying this concept to training and tactics, he taught it with revolutionary effect at Benning where he was appointed deputy commandant and head of the Academic department in 1927. There a group of young officers who were to be the commanding generals of World War II became "Marshall's men," as he himself had been one of "Morrison's men" at Leavenworth. In short, his mind was ready to grasp the fact of change and accept its military consequences.

Simplicity of tactics; training for the unexpected; regarding as more important knowing when to make a decision than what the decision should be—these, and the ability to command by obtaining assent rather than by exacting formal obedience, were qualities characteristic of Marshall's own disposition. And they were tied up with the other conviction that was a distinguishing trait of his career, namely, that American Army officers must know how to command a citizen army.

This was a role for which he consistently schooled himself. He saw in it the interest of the Army, but he took to it naturally and happily. He was reserved by disposition and he avoided familiarity on principle, but the officers and troops he commanded and the civilian communities into which he was thrown never failed to sense the integrity and human warmth of his interest in them. His successes in staff work were always di-

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verting him from duty with troops. This chafed him because it diverted him from the Army's surest path to promotion, but it chafed him also because he liked troop duty. He threw everything he had into it even when, as late as 1932, it was only command of an under-strength battalion. Without knowing it he was developing one of his best qualifications to be the leader of the U. S. Army in World War II. MacArthur had the qualities that the American public likes to talk about; Marshall had the qualities that it trusts. Pershing's military convictions and iron will gave the United States an effective army; Marshall, adopting Pershing's principles as his own, bridged the gap between the professional austerity and exclusiveness of the West Point officer corps and the military amateurism of a citizen army and its leaders, without sacrificing the professional military authority that its leaders needed, and knew that they needed. He was ideally qualified for effective military leadership in a democracy.

To this extent, at least, the present volume can help to explain why Marshall was a great war leader. And the reader of it will also learn much that he needs to know, both as citizen and political scientist, about the place the Army had among the institutions of the American government before World War II.

KENT ROBERTS GREENFIELD

BALTIMORE, MARYLAND

Franklin D. Roosevelt and the New Deal, 1932–1940. By WILLIAM E. LEUCHTENBURG. New York, Evanston, and London, Harper and Row, 1963.—xvii, 393 pp. $6.00.

The New Deal continues to intrigue American historians. The early, uncritical views have given way to more seasoned and restrained judgments. In *Roosevelt: The Lion and the Fox,* James MacGregor Burns highlighted FDR's political limitations as well as his gifts, while Arthur Schlesinger Jr. revealed the complexity of the New Deal and Roosevelt's shifting strategies in his three-volume *The Age of Roosevelt.* William Leuchtenburg, author of a fine study of the nineteen-twenties, now offers a stimulating synthesis of the New Deal which stresses its revolutionary nature. According to Leuchtenburg, the New Deal altered the agenda of American politics by focusing on issues; brought hitherto neglected groups such as staple farmers, industrial workers, and recent immigrants into the mainstream of American life; and permanently enlarged the role of the federal government. But at the same time, he makes clear that the revolutionary features were confined to means—the ends were

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ultimately conservative, and the result was a halfway revolution, "imposing a welfare state on a capitalist foundation" (p. 165).

Leuchtenburg has given us the best single volume on the New Deal. He concentrates on domestic political developments, although he also relates, more briefly and less imaginatively, the course of Roosevelt's foreign policy in the nineteen-thirties. He has used the rapidly expanding body of secondary literature on the New Deal, but his study gains tremendous vitality from his thorough exploitation of manuscript collections. Leuchtenburg writes with grace and precision, and he has a gift for quoting the brief phrase or sentence from contemporary sources which captures the flavor of the times.

The only weakness of this excellent book is the author's persistent tendency to equivocate in his judgments of New Deal measures. Thus he states that critics have been "too severe" in condemning the NRA and then proceeds to point out the various limitations of this agency which he says "did little to speed recovery" (p. 69). The Social Security Act is described on page 132 as both "an astonishly inept and conservative piece of legislation" and as "a new landmark in American history." In discussing the Supreme Court fight, Leuchtenburg begins, "Roosevelt could scarcely have bungled the presentation of the Court plan more" (p. 233), but later in the same paragraph he writes, "Yet too much can be made of Roosevelt's tactical failings" (p. 234). He contradicts himself more seriously by asserting that the 1937 Supreme Court struggle "threatened to destroy the middle-class base of the Roosevelt coalition" (p. 243), when he has already contended that in 1936 "Franklin Roosevelt had forged a new political coalition firmly based on the masses in the great northern cities" (p. 184). Giving with one hand, and then taking away with the other, Leuchtenburg presents a balanced interpretation that often fails to provide meaningful evaluations.

Leuchtenburg's greatest success lies in his handling of Roosevelt. With commendable detachment, he analyzes FDR's abilities and deficiencies as a leader, but Leuchtenburg never permits him to become a specimen to be dissected. Roosevelt's vitality and charm, his intense humanity, are conveyed to the reader throughout the book. By presenting Roosevelt as he appeared to his contemporaries, rather than indulging in psychological speculation, Leuchtenburg convincingly demonstrates that FDR was the central figure of his age.

ROBERT A. DIVINE

THE UNIVERSITY OF TEXAS

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The Problem of Sovereignty in the Later Middle Ages. By M. J. WILKS. Cambridge, Cambridge University Press, 1963.—xiii, 619 pp. $12.50.

Mr. Wilks is a lecturer in medieval history at the University of London. This tome is his doctoral dissertation done at Cambridge University under the direction of Walter Ullmann, who is the leading living protagonist of the extreme wing of the German *Geistesgeschichte* school of medieval history. Wilks' work reflects both the strength and weakness of Ullmann's approach: learned and minute analysis of medieval political theory with little or no consideration of the social context.

No one can take exception to Wilks' basic thesis, although anyone who thinks that history should be written with imagination and style will be offended by the excessive documentation and the prolix argument of a rather obvious theme. Wilks tells us that between 1250 and 1350 there were three currents in medieval political thought. The first was the doctrine of papal plenitude of power: "sovereignty made actual in the papal vicariate of Christ." The second current was that of nominalism and voluntarism: society was only a myth, only individuals were real, but absolutism of the prince was a social necessity. The third approach followed the Thomistic middle way in trying to find some compromise between these extremes and in attempting to give reality and sanction to both papal authority and royal power. As reflected in the work of a certain Augustinus Triumphus (d. 1328), a publicist of importance, whose work Wilks examines minutely, the middle way became increasingly hard to sustain. This "intellectual schizophrenia" resulted in the failure of the scholastics to resolve the conflict between the supporters of papal authority and royal power and the end result was a "*trahison des clercs* which opened the way for secularism and lay supremacy." Quite true. But this theme can be found in any good undergraduate textbook on medieval history. I fail to see where Wilks has changed in any important way our understanding of the general trend in political thought from 1250 to 1350.

The title of Wilks' book, as is common in the work of Ullmann and his disciples, is pretentious and fails to deliver what it promises. The problem of sovereignty in the late middle ages cannot be entirely or even fundamentally understood in terms of the treatises of publicists and canon lawyers. The sovereignty of the state—if it was indeed sovereignty in the modern sense—or perhaps better to say, the religion of the state, that emerged in the late thirteenth and fourteenth centuries, was a consequence of deep-rooted social and cultural problems. It did not matter

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too much what one or another theorist said about society, monarchy, and the church. The fact was that European society from the last decade of the thirteenth century was overwhelmed by economic decline, social revolution, religious anarchy, and an underlying failure of nerve; the leadership of the state seemed to the generation who came to maturity in the fifth and sixth decades of the fifteenth century the only expedient remedy for these overwhelming social problems.

NORMAN F. CANTOR

COLUMBIA UNIVERSITY

Iraq under General Nuri: My Recollections of Nuri Al-Said, 1954–1958. By WALDEMAR J. GALLMAN. Baltimore, The Johns Hopkins Press, 1964.—xiii, 241 pp. $5.95.

Ambassador Gallman's account of his four years in Iraq will be read with intense interest by all who are concerned in events in the Middle East. The author's four years of close association with Prime Minister Nuri Al-Said enabled him to form an intimate and accurate estimate of the personality of Iraq's veteran statesman. He is doubtless right in his suggestion that Nuri Pasha's upbringing under the old Ottoman Empire had much to do with his authoritarian method of government and his failure to appreciate modern methods, not only of public relations, but of underground subversion. It is, however, well to remember that authoritarian methods of government were not by any means limited to Iraq. Soldiers have always enjoyed high prestige in Muslim states and as often as not have played the leading role in government. Egypt, the Sudan, Iraq, and Pakistan are today ruled by army officers and such forms of government have often been more successful than attempts to install democratic regimes.

As Ambassador Gallman rightly reminds us, Nuri was fighting for Arab nationalism before Nasser was born. Nuri, educated in Istanbul, was able to appreciate the position of countries other than those of the Arabs. He saw nothing wrong in an Arab country concluding pacts with non-Arab governments while at the same time remaining utterly loyal to Arab nationalism. Indeed, as he was quick to point out, Egypt had herself concluded such agreements before she denounced Nuri as a traitor for doing so. We must look deeper to find the cause of Nasser's indignation. Turkey had for four centuries been the imperial ruler of the Arab countries. We need not suspect her of desiring to reimpose her rule, but she is still much stronger than any of the Arab countries. The suspicion might well be justified that,

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if Turkey and the Arab countries were to become partners in an Islamic bloc, it would be Turkey who would be the leading member. But it was Nasser's ambition to form a bloc of his own, of which Egypt was to be the leader and himself the chief figure. Nuri's Baghdad Pact proposals, therefore, stood completely to undermine Nasser's hopes. It is only surprising that Nuri understood so little of Nasser's ambitions that he was genuinely surprised at his violent denunciation of the pact. It is tempting to compare President Nasser to General de Gaulle. Each wants to create a tight little bloc of states under his own undisputed control. Each resists proposals to include other powers, thereby limiting their leadership.

Perhaps the most interesting aspect of this account of the building of the Northern Tier is that the Western allies devoted all their efforts to military preparations against communist attack, neglecting the fact of communist infiltration into Asia and Africa behind their backs. In this respect they have learned nothing, for the whole story is repeating itself today in Southeast Asia.

The most depressing chapter of Ambassador Gallman's book is that in which he denounces the spiteful jealousy of the British Embassy. During the greater part of a lifetime spent in the Middle East, I often heard similar complaints against one another by both British and American ambassadors. Petty jealousies over prestige seem to be an occupational disease of diplomats.

SIR JOHN BAGOT GLUBB

SUSSEX, ENGLAND

James Mill and the Art of Revolution. By JOSEPH HAMBURGER. New Haven and London, Yale University Press, 1963.—xiv, 289 pp. $6.50.

It is a salutary experience to come to this book, as this reviewer did, after reading a set of examination papers dealing (among other topics) with the passage of the 1832 Reform Act. One's head still rings with phrases like "immense public pressure," "threat of revolution," "protesting multitudes." And it will not do to mark down the students for any of this. After all, one of the leading textbooks in the field has it that "all England rang with revolt." And one remembers using not totally dissimilar phrases in the course of one's own lectures. The general drift of the established view is that with the rejection of the first and second Reform Bills in 1831, both public opinion and extra-parliamentary agitation became increasingly more vio-

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lent; and that when, in the spring of 1832, the House of Lords in Committee once again demanded amendments unacceptable to the Whig ministry, the country was practically on the verge of civil war. It was only the royal threat to make new peers that saved the situation by forcing the Lords to accept the Bill.

In all this there is the strong implication that the demands and demonstrations were in some sense akin to a sort of spontaneous combustion. The principle merit of Professor Hamburger's book is to have shown the extent to which extra-parliamentary pressures during this critical period were in fact creatures of the imagination of a group of Benthamite Radicals—principally James Mill, Francis Place, and Joseph Parkes—created expressly for the purpose of persuading ministers as well as members of the Lords and Commons that failure to grant reform would mean revolution. In other words, it is not merely that these brilliant propagandists did their best to devise stratagems for stimulating opinion and fanning public discontent, such as Francis Place's famous and effective slogan: "To stop the Duke, go for gold." Their real achievement, impressively documented by Mr. Hamburger, was to have produced for the benefit of the governing classes the specter of a potentially revolutionary situation which did not really exist.

The tactics of Mill and his friends were based on the assumption that major concessions could be obtained only if those in a position to grant them sufficiently feared the consequences of not doing so. This meant that the press should appear to be speaking in the language of menace, that reports of the strength, size, and unanimity of protesting organizations such as the Political Unions should reach the desks of ministers, and that rumors of what might happen if the Bill were not to achieve passage should circulate as widely as possible. These tactics were eminently successful. And the Millites' rhetoric of revolution helped to accomplish what the actual state of popular feeling might not have accomplished.

For it is Professor Hamburger's thesis that although public opinion was on the whole favorable to reform, it will not do to overestimate the violence of its manifestations. He demonstrates that the membership of the Political Unions was not large; that one must exercise care in judging the figures printed in the press presuming to give the numbers present at mass meetings; that with the exception of the Bristol riots of October 1831 there was no serious rioting, and that, in any event, one should see the Reform Bill riots as part of the traditional English exercise of the right to riot; and that, had professional police forces existed throughout the country, it is possible that no evidence of revolu-

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tion provided by a riotous populace would be available at all.

It is on this question of evidence for a revolutionary situation that one might take issue with Mr. Hamburger's book. Granted that the situation was by no means as explosive as James Mill and his colleagues presented it, was there not, even according to the materials supplied by the author, sufficient basis for at least some danger of escalation into something really serious had the Reform Bill not been finally passed? Revolutions feed on images and myths as much as on realities. It may indeed be the case that class labels were not prominent in discussions of the Reform Bill, that it did not mobilize anti-aristocratic feeling. Yet the very prospect of potential major violence so successfully depicted by the Radicals might conceivably have had the effect of inducing not alarm and concession, but alarm and obstinacy—which in turn would have increased the danger of actual violence. To raise this point is only to indicate that the subject of what constitutes a revolutionary situation is still not an entirely closed one, and is not to diminish the significance of Professor Hamburger's contribution to the subject.

JOHN CLIVE

HARVARD UNIVERSITY

Amateurs and Professionals in British Politics, 1918–59. By PHILIP W. BUCK. Chicago and London, University of Chicago Press, 1963.—xii, 143 pp. $5.00.

The recent trends to sociological and psychological investigations and explanations of political behavior may have obscured several basic questions about the career patterns of politicians, the answers to which can be secured by close scrutiny of the figures on length of political service and number of competitions for office, followed by some imaginative arithmetic. In the case of modern politics in Britain, Professor Buck of Stanford has sought to provide a few of these answers.

Focusing on the careers of British M.P.'s and candidates for seats in the House of Commons from 1918 to 1955, Professor Buck examines the number of contestants in elections, the record of successes and failures, the number of contests fought by successful and unsuccessful candidates, the length of service of politicians who rise to the top, and the circumstances of withdrawal from politics. The careers of all contestants, not merely those elected, are traced. The information forms an interesting supplement to the standard works by J. F. S. Ross and to the Nuffield studies of general elections.

The purpose and method of analysis are suggested by the meta-

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phor of "a marching parade" of careers. New recruits join, many aspirants fall by the wayside, but a few succeed in remaining in the ranks after a few tries. Older marchers drop off, some before they can be said to have had a full career, while others manage to attain important responsibilities in the line of march. A few readers may regard the scope of the study somewhat narrow or the design a bit austere (there are only ninety-four pages of text), yet the number of arithmetic permutations one can make is staggering—from the candidates' ages at the commencement of political careers, by party, to the percentage of candidates and M.P.'s with varying amounts of experience in previous contests. (All this is laid out in forty-one pages of tables.)

Throughout his study, Professor Buck links the results of calculations to a wide general knowledge of British political behavior. In a few cases his curiosity may result in a modification of received doctrine. For example, he shows that Labor politicians—*win or lose*—have *longer careers than Conservatives*, although Labor contestants tend to start somewhat later in life. Nevertheless, the age *range* of Labor candidates is not strikingly dissimilar from the pattern of other British parties. As the author notes, "this is an indication that the British Labour Party differs from the socialist parties of France and Germany" (p. 29). On the other hand, the author's brief forays into "behavioral" territory—inspection of aspects of the social background of M.P.'s who have attained official positions and a survey of eighty-two M.P.'s, seeking reasons for their voluntary withdrawal from politics—serve to support existing observations. For example, on the nature of the differences in character between the parliamentary Conservative and Labor parties: 56.7 per cent of Conservative Cabinet Ministers since 1918 have gone to Eton, twenty-nine per cent of Labor Cabinet Ministers have gone to Oxford or Cambridge, fifty-two per cent of Cabinet Ministers in both parties have gone to public school and university (table 32, p. 121).

Professor Buck is restrained in his conclusions, which are, in general, not startling. He observes that political careers today are the preserve of professionals. Although a large number of people contest elections—6,811 from 1918 to 1955—relatively few get elected (seventy per cent were never elected). The first contest and the one immediately following are crucial for a successful career. The author offers "the third election—or, if you like, the second re-election—as the qualification which distinguishes the professional from the amateur" (p. 78). Long service in the House of Commons remains the overall prerequisite for office, but despite the attractions of leadership, small numbers of successful politicians retire "prematurely" for financial and personal

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reasons. Old adages are reinforced: nothing succeeds like success, and in politics success is defined by victory in elections.

As Professor Buck indicates in several places, his inquiry cannot deal with one crucial dimension of recruitment and selection for leadership. The focus on "the march" of candidates and M.P.'s serves to underline the significance of party. We know that from the initial selection of candidates by constituency committees through the many stages of promotion via activities in the plenary and functional committees of the parliamentary parties, the machinery of infra-party discrimination silently does its work. But information on the internal processes of selection remains "concealed by lack of accessible data" (p. 37). We can measure the success of committees of selection in the constituency parties by the criterion of electoral victory. ("The Labour and Conservative scores are quite close to each other. . . ." p. 83.) But, as the author readily admits, he cannot measure the quality of the contestants or the value of their performance. In the end he is constrained to identify effective leadership with electoral success. Until the system of choice within the parties can be made the subject of close inquiry, however, conclusions about the broad effectiveness of political recruitment and its significance for efficacious leadership in a democratic society must remain quite tentative.

HARVEY GLICKMAN

HAVERFORD COLLEGE

The Netherlands in the Seventeenth Century—Part Two, 1648–1715. By PIETER GEYL. London, Ernest Benn and New York, Barnes and Noble, 1964.—399 pp. $8.50.

The seventeenth century was an important period in history for the valid reason that it paved the way for the modern Western world. It was then that northwestern Europe began to emerge as a focus of world power; colonies established on the North American continent would lead to the United States and Canada; discoveries of the legendary Southland were to produce a Euro-centric Australia and New Zealand. On a broader scale it foreshadowed the end of absolute monarchies and saw the early stirrings of democracy; it also marked the beginning of modern capitalism.

Because of the language problem, it is not generally realized how important a role the Dutch republic played during this century. For this reason alone, any book on the seventeenth century, based on Dutch sources, would be a welcome contribu-

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tion. The fact that it was written by one of the outstanding historians of our time, makes it an event of the first order. Pieter Geyl hardly needs an introduction. His lectures at Yale University on the "Use and Abuse of History" have been widely read, and he was the one Dutch scholar to share the limelight with English historians in a series of enlightening interviews written by Ved Mehta under the title "Onward and Upward with the Arts."

The Netherlands in the Seventeenth Century is actually a translation of part of Geyl's monumental work, *Geschiedenis van de Nederlandse Stam* (History of the Netherlandish People). This book is the final part of a trilogy in English which began with *The Revolt of the Netherlands, 1555–1609.* The second and third volume cover the period from 1609 to 1715, broken at 1648 when, after eighty years of war, peace with Spain had finally been concluded. To fully understand the role played by the Dutch during the seventeenth century, it is essential that the last two volumes should be read as one, as the author intended.

From a political point of view, there is the split between the southern Netherlands (mainly Flanders and Brabant) and the seven provinces in the north, of which Holland was the most important. While this split was regrettable, it nevertheless created a buffer between the small Dutch republic and an ambitious France. There is also the growing rivalry with England which led to a number of sea wars in which the Dutch more than held their own. Of special interest is the long see-saw struggle between the House of Orange and its adherents, aiming at a monarchial absolutism, and the republican regent class in which the latter emerged victorious. For events outside Europe, Professor Geyl presents a broad picture of what the Dutch accomplished in Asia where other European countries, including the English, were held at bay throughout the century. As far as the American hemisphere is concerned, we read of the less fortunate events which caused the Dutch to give up their possessions in Brazil and North America, primarily because the directors of the West India Company failed to recognize the importance of colonization.

One might have wished that Professor Geyl had been more explicit about the economic phase of the Dutch republic during this century because this, singularly, explains the enormous effort to retain its independence and branch out throughout the world. On the other hand, he gives us a most cogent analysis of the social and cultural developments in the Netherlands, the chapters on the arts being especially illuminating. It is regrettable that the index is confined to a mere listing of proper names.

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For the student of history, a more elaborate index would have been more useful.

GEORGE MASSELMAN

REDDING, CONN.

The Social Democrats in Imperial Germany: A Study in Working-Class Isolation and National Integration. By GUENTHER ROTH, with a preface by Reinhard Bendix. Totowa, N. J., The Bedminster Press, 1963.—xiv, 314 pp. $8.50.

The Origins of Social Liberalism in Germany. By DONALD G. ROHR. Chicago, University of Chicago Press, 1963.—179 pp. $5.50.

Stillborn Revolution: The Communist Bid for Power in Germany, 1921–1923. By WERNER T. ANGRESS. Princeton, Princeton University Press, 1963.—xv, 514 pp. $10.00.

A History of the Weimar Republic. Volume II: *From the Locarno Conference to Hitler's Seizure of Power.* By ERICH EYCK. Trans. by Harlan P. Hanson and Robert G. L. Waite. Cambridge, Mass., Harvard University Press, 1963.—viii, 535 pp. $12.00.

Each of these important new studies deals, in its own way, with the problem of class conflict and its political consequences in modern Germany. Dr. Guenther Roth and Professor Rohr have concerned themselves primarily with the way in which the stratified and authoritarian German society of the nineteenth century reacted to the impact of industrialism (although Dr. Roth, as befits a student of Reinhard Bendix, ranges beyond the confines of his chosen period and his German context to hazard some generalizations that cannot fail to interest students of industrialization and democratization in the underdeveloped nations of our own time). Professor Werner Angress and Dr. Erich Eyck have addressed themselves to the pattern of action and reaction that characterized class relations after the First World War and its connection with the broader problem of democracy in Germany.

"When established national communities undergo the early stages of industrialism," Dr. Roth writes, "they are confronted with the problem of the political and social integration of the emergent work force." In the nineteenth century, the two extreme solutions for the problem were provided by England and Russia, the flexible parliamentary system of the former country making possible progressive concessions to labor's demands for political and social equality, the brutal totalitarianism of the

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Tsarist regime simply repressing such demands and keeping the working class in a condition of subjection and deprivation. The German solution fell between these extremes. It took the form of what Dr. Roth has called "negative integration": a process by which the government permitted an independent and self-consciously radical labor movement to grow, but which, at the same time, steadfastly refused to allow it to attain any real measure of social or political power.

This solution meant that class cleavage remained pervasive in Germany. It never, however—at least, never before 1918—became critical. For one thing, antagonism between the Establishment and the labor movement was ameliorated by the efforts of bureaucratic, academic, and Liberal social reformers. In his brief but pithy study of the origins of social liberalism, Professor Rohr discusses the ideas of men like Ludolf Camphausen, Gustav Mevissen, Karl Biedermann, Robert von Mohl, and other German middle class liberals of the eighteen-thirties and eighteen-forties, and takes sharp issue with those historians (like Theodore Hamerow) who have been inclined to dismiss this kind of liberalism as unimportant or to charge its representatives with indifference or inveterate opposition to the demands of the working class. On the contrary, he holds, these were men who were fully aware of the corrosive effects of industrialism and of the necessity of devising controls in the public interest, and they worked hard, in their different ways, to promote practical social reform. It is worth noting, for example, that "thanks largely to the efforts of Gustav Mevissen, the Ruhr district [became] the most highly industrialized area on the continent without duplicating the slum conditions of 'Black England.' "

Dr. Roth makes the same point and cites also the ameliorative efforts of later social reformers from the liberal fold, like the *Kathedersozialisten* of the eighteen-seventies and the *Verein für Sozialpolitik*. Their work had perhaps limited results, but at least it helped take the sharp edge off inter-class relations. So did other things: some not stressed by Dr. Roth, like the prevalent prosperity of the late years of the nineteenth century and the not inconsiderable influence of national patriotism on the working class during the age of imperialism; and one upon which he places great emphasis, namely, the social and political gratification afforded by the multifarious activities possible *within* the organized labor movement and the socialist subculture, activities which gave workers recognition that was denied them by the dominant system.

Dr. Roth seems justified in arguing that negative integration was, on the whole, a force for stability in the German Empire

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and that the existence of a socialist subculture within an authoritarian but permissive society had the effect in the long run of weakening the radicalism of the masses. Certainly, when the First World War came and the system collapsed, the "Labor movement had no concrete economic and social alternatives to offer" and very little militancy left. This is made clear in Werner Angress' definitive and finely constructed history of the Communist party's role in German politics during the first postwar years. Professor Angress points out that the Spartacists of 1919 confidently expected that the revolution that they were working for would receive the support of the German masses, but that such support materialized neither then nor later. The leaders of the German Communist party could neither understand nor accept this fact, and Professor Angress gives a masterly description of the tragic results of their failure to do so. The KPD gave itself over to a policy that was characterized by "a bent for ill-fated adventures, a missing sense of proportion, and a sectarian outlook." Their infrequent attempts to cooperate with the Social Democrats and the trade unions—a policy which, if promoted sincerely, might have restored the unity, and perhaps the effectiveness, of the working class movement in Germany—were marked by flagrant and self-defeating bad faith, which was, indeed, imposed upon them by the Communist leadership in Moscow, to which, in their frustration, they subordinated themselves as early as 1923.

That the KPD's failure to face up to realities, and its irresponsibility and tactical stupidity, contributed to the downfall of the Weimar Republic no one would deny, and any doubts on this score can be relieved by those pages in Dr. Eyck's volume which deal with the later antics of the party and particularly with its suicidal policy of cooperation with the Nazis in 1932. But in this second part of what—despite its failure to deal adequately with cultural and intellectual movements—is without doubt the most balanced and comprehensive history of the Weimar Republic which we possess, Dr. Eyck gives us more than enough evidence to demonstrate that, even without a Communist party, the Weimar Republic would have fallen, and that the KPD's role was far less important than other factors. Despite the so-called revolution of 1918, important economic, social, and even political components of the old Imperial regime had survived, and these were always, at crucial moments, stronger than the avowed advocates of democracy. These last included the Socialists; and, when one reads Dr. Eyck's account of the maladroit manner in which the Social Democratic party, helped bring down the Great Coalition government of 1928–30—the last truly

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democratic ministry in the Weimar period—one is almost persuaded that the SPD was yearning for the warm security of that subculture described by Dr. Roth, from which it had indeed been released in 1918 but, unfortunately, without proper preparation for its new responsibilities.

GORDON A. CRAIG

STANFORD UNIVERSITY

Stresemann and the Politics of the Weimar Republic. By HENRY ASHBY TURNER JR. Princeton, N. J., Princeton University Press, 1963.—vi, 287 pp. $6.00.

Since his papers were opened in 1953 a great deal has been written about Stresemann, but always from the point of view of foreign policy. This is natural enough, for it is the character of Stresemann's foreign policy which excites the most controversy; but it produces a distorted view of Stresemann's career and even, it can be argued, of his foreign policy which was never free from the pressures of domestic politics.

Mr. Turner has set out to correct this lack of balance. His book is excellent both in conception and in execution. While never forgetting that Stresemann's greatest achievement was at the foreign ministry, Turner places him firmly in relation to the politics of his time: the young National Liberal politician who adopted Ludendorff's annexationist war aims with enthusiasm; the monarchist who found it hard to swallow Weimar's republican constitution; the leader of the *Deutsche Volkspartei* who tried to balance between the Social Democrats and the Nationalists; the Chancellor of the Hundred Days in 1923 who had the courage to end the Ruhr resistance.

The most impressive feature of Stresemann's career was his ability to broaden his views as he went along and to learn from his own and others' experience. He made plenty of mistakes which Mr. Turner neither conceals nor attempts to explain away; but they were never the same mistakes. No other German statesman of his time—and few outside Germany—showed the same capacity to rise to the demands of circumstances. It is perfectly true that he never gave up the hope of revising Germany's frontiers in the east, that he wanted to see Germany restored to the leading position in Europe; but there is a great deal of difference between the way in which Stresemann sought to accomplish his aims, with some regard for the interests of others and the peace of Europe, and the way in which the Nationalists wanted to secure them, by banging on the table and shouting at the top of their raucous voices.

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Mr. Turner shows very clearly the relationship between foreign policy and domestic politics, a dimension which diplomatic historians are apt to neglect. In a democratic system where governments depend on parliamentary support and party bargaining, the classical German doctrine of "the primacy of foreign policy" can be dangerously misleading, as Stresemann himself was forced to realize before he died.

Mr. Turner's greatest achievement is to take the successive phases in Stresemann's attitudes and to show a natural and easily comprehended development from each stage to the next. His judgment is cool, he makes no attempt either to whitewash or debunk Stresemann and he leaves the reader with a rare sense of intellectual satisfaction. One reason for this is the admirable and unobtrusive way in which Mr. Turner handles his sources; another is his lucid and economical style of writing. This is not the definitive biography of Stresemann—it is much more concerned with his policies than with the man himself—but it performs an indispensable preliminary service in clearing away the myths and the exaggerations on both sides.

ALAN BULLOCK

ST. CATHERINE'S COLLEGE, OXFORD

Der Faschismus in seiner Epoche: Die Action Française, Der Italienische Faschismus, Der Nationalsozialismus. By ERNST NOLTE. Münich, R. Piper, 1963.—633 pp. 35–.

As the author of this voluminous study observes, "Fascism" has heretofore not been examined as an international phenomenon associated with a particular period in history. There have been, on the one hand, any number of studies of its manifestations in France, Italy, and Germany, and, on the other, several attempts to include it in broad investigations of "totalitarianism"; but the one tends to deal with national movements as *sui generis* and the other tends to obscure important differences which seem to distinguish it from Communist totalitarianism. Since the demise of the major political movements identified with what one should, perhaps, call "the fascist ideological orientation," it has survived as a rather obscure concept, serving psychologists to establish an "F Scale" and Burmese politicians to organize an "Anti-Fascist People's Freedom Party." Nolte, a philosopher by training, has presented us with a *Geistesgeschichte* which attempts to root fascism to a particular area and era—Europe in the first half of the twentieth century—and to establish the intellectual bonds between its French, Italian, and German versions. It is this

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focus, rather than any new information about these movements and their chief inspirers—Maurras, Mussolini, and Hitler—which gives this book its value.

It seems unfair to take the author to task for failing to do what he obviously had no intention of doing, to consider the socio-economic and political developments which allowed the Action française, Italian Fascism, and German National Socialism to develop from sects into mass movements and, in one or two instances, shake the world to its foundations. However, it should be noted that because of this failure the book tells only part of the story and tends to treat Fascism in a manner which will seem unsatisfactory to many social scientists and historians. More appropriate may be this reviewer's dissatisfaction with Nolte's emphasis on empathy at the expense of hard data. *Verstehen* is all very well, but here it seems to be carried a bit far. The reader who takes the trouble to read this long and often difficult volume with care (including the pages and pages of footnotes, with the exception of those omitted by printers' errors) may find himself as frequently troubled by Nolte's sweeping generalizations as impressed by his insights. There are too many tenuous assertions either entirely unsupported by reliable data or based on poor evidence. The American reader, for example, will find the interpretation of Roosevelt's orientation distorted, if not false (pp. 31, 551). Thus, Nolte's impressive use of original German, French, and Italian sources is marred by indications of weakness in his use of other material, including the Marxist literature bearing on his subject. One might also wish that the author had paid more attention to other studies that seem relevant to his investigation—for example, the works of Carl J. Friedrich, Hannah Arendt, Franz Neumann, Albert Camus, and Karl Mannheim—if only to delineate the differences in approach.

Fascism, Nolte points out—particularly in his impressive conclusion—can be studied on several levels of analysis. It may be viewed as largely a political phenomenon focused on opposition to Marxist egalitarianism and liberal democratic pluralism; but his own focus is more on its "trans-political" philosophical aspects as basically an anti-transcendentalist revolt against an intellectual orientation which he traces to Kant. Neither the qualifications of this reviewer nor the space allotted to him are adequate to do the author's philosophical discussion justice. Suffice it to say that Nolte sees all three of the movements he labels "Fascist" as mixtures of theory and action rooted in the anti-rationalist doctrines of such nineteenth-century writers as de Maistre, Barrès, and Nietzsche, as well as the explicitly rationalist, but relativist teachings of Comte, Marx, and Weber (!). But the ties he seeks to

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establish here are at best inferential—uniting Maurras, Mussolini, and Hitler to their supposed intellectual progenitors through the *Zeitgeist*—an argument which in the last analysis is neither very original nor particularly convincing. Nonetheless, there are enough suggestive and interesting observations in this book to lead one to be forebearing toward Nolte's emphatically empathic and, at times, rather obscure approach to this important problem. If, indeed, Fascism was a product of its epoch, perhaps it would be well to consign the concept to history and strive to find a more meaningful description for authoritarianism on the Right. If, on the other hand, it was and is only a variation of a more general and universal phenomenon characterized less by doctrine than by practice, it would seem that Nolte's study hardly brings us closer to understanding.

LEWIS J. EDINGER

WASHINGTON UNIVERSITY

The Union Nationale: A Study in Quebec Nationalism. By HERBERT F. QUINN. Toronto, University of Toronto Press, 1963.—ix, 249 pp. $7.50.

This is a much needed volume which should be in the libraries of all American colleges and universities, and in public libraries as well. The very real danger of the disruption of the Canadian state is not understood in this country, and the implications of the present situation for the United States as well as for the British Commonwealth have not been appreciated. Mr. Quinn's account of the political evolution of the Province of Quebec from 1935 to 1960 is sober, factual, well documented, and impartial. The author has lived and taught in Nova Scotia and Newfoundland, and prepared this study at Columbia University; these facts are noteworthy because apparently no one in Ontario or Quebec at the present time can write about French Canadian nationalism without being deeply influenced by his emotions and preconceptions. This is not to say that all French Canadians are nationalistic or all English Canadians anti-French, but those who are impartial and well informed have little heart to write about the present crisis. Yet the long period of the leadership of Maurice Duplessis, and the significance of the defeat of his successor, Antonio Barette, are capable of rational analysis and explanation, although obviously any conclusions drawn therefrom must be subject to revision.

One surprising phenomenon at the time of Maurice Duplessis' sudden death in the summer of 1959 was that every British firm in Montreal (or so it seemed) printed full page advertisements

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in the Montreal *Gazette* paying tribute to the lost leader. Since Duplessis had consistently opposed participation in World War II, and had never wavered in his refusal to do business in any real sense with the federal government in Ottawa, these spontaneous expressions of admiration on the part of the commercial and industrial leaders in the province, most of whom were English Canadians or Americans, seemed astonishing. This volume offers the explanation, which is significant for understanding the present state of things in Canada. Duplessis had the good fortune to be in power in a period when the natural resources of Quebec were being rapidly revealed to the world. He welcomed capital wherever it came from and made concessions to the firms which undertook the exploitation of Quebec's mines and forests. He also pursued a labor policy which was so reactionary that it was openly condemned by the Roman Catholic hierarchy (pp. 162–64 with footnotes). But he made Quebec rich and there were jobs for everybody, before elections at any rate, and money to be spent in the districts that voted for him. These policies which probably represented the real political philosophy of Duplessis himself (he was a conservative leader in the Quebec assembly even before he became a tinpot Hitler) could only be acceptable to a backward rural population; with the growth of a laboring class in the mines and industrial centers the Union Nationale, with or without Duplessis, was doomed unless its labor policies were revised, and more tangible benefits were offered in the way of social services and better schools and hospitals. Yet the tragedy of Canada today is that the successors of the Union Nationale have felt it necessary to go even further than Duplessis in nationalism, and to insist that the resources of Quebec must no longer be exploited by British and American capitalists, and that the province must have all the supposed advantages of independent sovereignty.

How did it all start? This review has stressed the economic factors in the story because they are perhaps the hardest for Americans to understand, and Mr. Quinn has given a very full exposition of economic growth and policy. Moreover, if Quebec were not conscious of her greatly increased wealth and importance in the industrial world she would scarcely be so misguided as to believe that she can survive without any political links with the rest of Canada. But if one is looking for a purely political sequence of events, the present crisis in Canada resulted from the issues which divided the French from the English in two world wars—the issue of conscription in World War I and the issue of participation in World War II. On both these issues the French Canadians were overruled and, for the first time since

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confederation, they were made acutely conscious of their status as a minority in the total population of the Dominion.

In his conclusion Mr. Quinn, as a political scientist, feels impelled to stress certain general laws governing human society and points out that a minority which had maintained its identity as strongly as had the French Canadians will always put its "ethnic consciousness" first. To this reviewer there seems no good reason why "ethnic consciousness" should prevent two races living amicably together when it is so very much to their advantage to do so. In Ontario and Quebec it is today too often forgotten that the French and English worked together to build Canada from 1867 to 1914, and that their relations never seemed happier than when Sir Wilfred Laurier was prime minister. If one must end on a generalization it should be rather that at the present moment of history there seems to be no limit to human folly when two races begin to question whether coexistence is possible within the bounds of a single sovereign state.

HELEN TAFT MANNING

BRYN MAWR COLLEGE

The Latin-American Mind. By LEOPOLDO ZEA. Trans. by James H. Abbott and Lowell Dunham. Norman, Oklahoma, University of Oklahoma Press, 1963.—xx, 308 pp. $5.95.

The Latin-American Mind, a mistitled translation of Zea's *Dos etapas del pensamiento en Hispanoamerica* (1949) is his third volume on what had long been a neglected major current in the intellectual history of Latin America, positivism, whose vogue coincided with that of social Darwinism in the United States. Trained in philosophy and primarily interested in the philosophy of the history of America, Zea's early two volumes furnished the first systematic analyses of posivitism's influence in Mexico. In this volume he has broadened his focus to include most of Latin America (excluding Brazil) in his description of the search in the nineteenth century for a political and social philosophy adequate for the needs of a vast area and its elite groups liberated from three centuries of colonial rule. Liberal intellectuals rejected the Spanish colonial heritage and in the first half of the century were reluctant to borrow from European models. Furthermore, before roughly 1860 liberals savored the bitter experience that political emancipation had not brought "mental emancipation," the end of colonial institutions, attitudes, beliefs. Republican government alone was no panacea for backwardness. It brought neither order nor progress.

Groping for a philosophical justification of the new and old

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elite groups, some Latin Americans thought they saw at last models for a "practical sense of life and capacity for material work" in the economic growth and political unity of late nineteenth-century United States and England, that is, in adapting Comte and Spencer to the requirements of an underdeveloped area seeking paths to modernization. From Comte they took the concept of organic social evolution and the primacy of society, change, and order; from Spencer's social dynamics they later selected the emphasis upon the individual rather than society. Everywhere positivists insisted upon practical, scientific education to prepare for the advent of the industrial society ardently desired. Everywhere, too, they adapted positivism to local conditions, producing varieties of response in Chile, Peru, Bolivia, Argentina, Uruguay, Cuba, and Mexico, as Zea indicates in his content analysis of the literature of positivist-influenced members of the Latin American elite.

No reviewer willingly deprecates an ambitious, pioneer study; yet omission of its deficiencies would be a disservice. Zea's translators have traduced his title. The Spanish title indicated clearly the scope: not the Latin American mind but the Spanish American mind, not the intellectual history of a vast continent, but only one aspect of its nineteenth-century variety, romanticism and its sequel, positivism. Whether because of the scope of his study or because of his professional training in philosophy and the history of ideas, Zea fails to detail the cultural matrix, the national "urgencies" and "historical circumstances" shaping the adaptation of positivism in each country studied. Readers will find only suggestions of the interrelationships of political, social, and economic reality and intellectual currents which Zea provided in his studies of Mexican positivism. In this volume Zea offers a rich sampling of the diversity and breadth of nineteenth-century Latin American thought, but readers will still fail to grasp why Mexican positivism ended in Latin America's first social revolution of the twentieth century, why Brazilian positivists accepted the religion of humanity and the overthrow of the empire, why positivism led to the founding of the Argentine Socialist party.

STANLEY J. STEIN

PRINCETON UNIVERSITY

Order and Rebellion in Tribal Africa. By MAX GLUCKMAN. New York, The Free Press of Glencoe, 1963.—xii, 273 pp. $6.00.

Of the ten essays in the collection, the best known is "Ritual

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of Rebellion in South-East Africa" (Frazer Lecture, 1952). The significance of this paper is indicated by the discussion, criticism, and research which it has stimulated. Its thesis is that the first fruit ceremonies among the Zulu and the Swazi were rituals of rebellion: among the Zulu, rebellion of women against the dominant position of men, and among the Swazi, rebellion of subjects against their ruler. The author's theory is that such rituals do not aim to subvert the social order; that they occur only when the latter is stable and regarded as right; and that the rebellion is thus kept within bounds.

A major criticism (by Monica Wilson, Audrey I. Richards, and others) has been Gluckman's failure to recognize the inherent psychological problems in the "Rituals of Rebellion." His defense in the "Introduction" to this book of essays is that he concentrates only on the function of the rites in political structure and does not attempt to deal with psychological problems. He contends that only a trained psychoanalyst is competent to study "psycho-dynamic" mechanisms, and that he does not want to make "guesses."

We think that all social theory is an informed guess, which brings together a number of social factors in order to understand and interpret a particular phenomenon. There is, perhaps, more guessing in Gluckman's thinking about the "Rituals of Rebellion" than in many other theories. He did not witness the Zulu or Swazi rituals on which he bases his theory, and he has no data on what these people actually thought of their social order (the position of women vs. men and of subjects vs. king).

Nevertheless, Gluckman's guess has a quality of brilliance; but we are concerned with the somewhat static and parochial quality of his thinking, as revealed in the long autobiographical introduction. He writes that the controversy between the sociological and psychological approaches to which he had been introduced (at the University of Witwatersrand) by his teacher, Mrs. A. W. Hoernlé, who espoused Durkheim's position that social facts can be explained only by other social facts, was "settled" for him in 1938–39, when he heard Professor Radcliffe-Brown lecture at Oxford. There he has apparently stayed, unaware of, or uninterested in, changes in the formulation of the problem. Today we do not try to reduce a sociological phenomenon to a "purely psychological" one. American economists, political scientists, sociologists, and anthropologists (such as Everett E. Hagen, Lucian W. Pye, David E. Apter, Alexander and Dorothea Leighton, the late Clyde Kluckhohn, myself, and many others) attempt to integrate social and psychological processes in theory, as they are integrated in reality.

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Gluckman is not even consistent within his own frame of reference. In "The Magic of Despair," one of the collected essays, he advances the theory that the ritual oaths of the Mau Mau in Kenya are not a reversion to pagan rituals, but a "regression to instinctual desires which we know are universal" (p. 145). This psychoanalytical explanation is, incidentally, so general as to be meaningless.

However, the author notes (in the introduction) that he has moved from Radcliffe-Brown's oversimplified organic analogy for social systems and no longer believes that social structures are completely self-consistent or rigid. Nor does he now think that civil war is necessary to affirm the unity of a society.

We find the author's attempt to examine "my own position in the growing theory of anthropology" (p. vii), aided by approving comments of the seminar at the University of Manchester, and his concern with trying to show the originality of his contributions, tedious. Such an appraisal is best left to others. We also wonder about the need to make it now. Gluckman was born in 1911, and we hopefully expect many more contributions from him. Their value would probably be much enhanced if he, his students, and colleagues could follow Walt Whitman's moral for a teacher, quoted by Gluckman in his essay on "Malinowski–Fieldworker and Theorist" (p. 251):

> He that by me spreads a wider breast than my
> own proves the width of my own.
> He most honours my style who learns under it
> to destroy the teacher.

HORTENSE POWDERMAKER

QUEENS COLLEGE

Building the Atlantic World. By R. STRAUSZ-HUPÉ, J. E. DOUGHERTY, and W. R. KINTNER. New York, Evanston, and London, Harper and Row, 1963.–xiv, 400 pp. $6.00.

The Atlantic Community, "still a loose and brittle thing," is diagnosed in this latest–and perhaps best so far–of a minor flood of "policy-oriented" books from both Europe and this country.

Writing for the Foreign Policy Research Institute, the authors place themselves squarely in the center of the historic Western effort to move from the era of the nation-state to something else, "the great revolution of our time."

> For some years now, Europe has been engaged, as it were, in a great constitutional debate over what might aptly be called the "interstate commerce clause." More recently, the Atlantic Community as

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> a whole has launched itself upon a constitutional debate over the meaning of "the common defense." At the beginning of 1963, it seemed as though these two constitutional debates were about to be merged into one—a most historic one—the outcome of which would determine whether the Atlantic peoples would succeed in their efforts to form a "more perfect union" (p. 283).

Although the book covers, thoughtfully and often provocatively, every facet of Atlantic relations, it lays considerably more stress on the common defense than on the interstate commerce clause. "If common survival," argue the FPRI authors, "is not a matter important enough to inspire us to seek political unity, then, certainly, our common concern with beauty, truth and profit, deep as it might be, will not move us by one inch beyond the limits of national sovereignty." In their view, it is unlikely that the development of economic institutions such as the Common Market constitutes the first step toward political integration, although that idea is current gospel among M. Monnet, Professor Hallstein, Under Secretary Ball, and their fellow theologians.

Perhaps the principal obstacle to unity now is the growing resentment in Europe toward America's monopoly of NATO strategy and policy, a resentment which may well frustrate America's hopes for a stronger alliance and more equitably shared burdens. "Partnership," say the authors, "demands a responsible sharing of power." They propose that the Western European Union become a "true nuclear power" and, with the United States, form a transatlantic nuclear partnership in strategic planning, technological development, and control of weapons. Arguing that the United States cannot much longer have its cake and eat it too, they believe that the only alternative to nuclear partnership will be "uncontrolled nuclear diffusion on our side as well as the other side of the Iron Curtain." It is not surprising that they skirt rather carefully the question—crux of the policy-maker's dilemma today—as to exactly *how* independent of the United States the WEU force would be.

Building the Atlantic World imaginatively suggests that the United States, to carry "partnership to its logical conclusion," begin thinking of inviting Europe to help defend the continental United States. At a time when some responsible voices are advocating at least a partial withdrawal of forces from Europe, this fresh idea may open interesting vistas.

A number of constructive economic steps are prescribed, including an Atlantic Payments Union, an eventual common currency, a burden-sharing formula which would make use of "economic slack" in some countries, and greater multilateralization

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of aid to developing nations. The United States, the authors warn, should not repeat Britain's error and hang back too long from some kind of full association with the Common Market. One could wish that the attention directed to economic factors, in one excellent but short chapter, had been greater.

The authors recommend eventually replacing the unanimity rule in the North Atlantic Council with a system of weighted majority voting, creating an official parliamentary assembly for NATO, and an Atlantic Court to adjudicate "disputes over the interpretation of countless international instruments which have been executed in pursuance of the Atlantic Treaty and the OECD Convention."

How is all this—and more—to come about? While the book gives the traditional treaty method its due, it urges more emphasis on the customs, conventions, and precedents of political life, in the fashion of the British Constitution. The lack of consensus as to the nature of and antidote for our current difficulties suggests that this sort of patience will be necessary.

JAMES R. HUNTLEY

WASHINGTON, D.C.

Responsibility for the Community: A New Norm Confronts Tradition in Lutheran City Churches. By IMOGEN SEGER. Totowa, New Jersey, The Bedminster Press, 1963.—viii, 366 pp. $5.50.

In the middle of the nineteenth century American churchmen began to feel apprehensive about the ability of religion to flourish in the growing cities—so different from the small town or rural community for more than a thousand years normative to the Christian imagination. Leaders have disagreed on what kinds of adaptations ought to be made. The more conservative, though borrowing some of the techniques of urban institutional life, have insisted that the old-time religion was good enough for city-dwellers. The more progressive have maintained that an urban gospel must be a "social gospel," but they have not been able to agree on what responsibilities devolve upon a local church from such a gospel. As Miss Seger rightly points out, in recent years progressives have tended to insist that at least the local church must be "effective" in carrying out its responsibilities to the whole community, not just the community of true believers. Implicit in this agreement was the assumption that no church could flourish in the city that was not effective in this way.

In 1955, the National Council of Lutheran Churches asked a number of its congregations to conduct self-studies of their effec-

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tiveness; subsequently, the churches' pastors and some laymen were interviewed, and a lengthy questionnaire was mailed out to others in the congregations. Miss Seger, who has had to rely mostly on the data collected by the Council, has realized that she cannot justly draw inferences about actual functioning of the churches, nor about their impact on their communities. She therefore concerns herself with what the church members think the impact is, and whether they are satisfied with the effectiveness achieved. She selects seven churches, and finds three of them "satisfied" ("complacent," "proud," and "contented"), and four of them "dissatisfied" ("retreating," "disintegrating," "uneasy," and "divided"). The bulk of her book is a thoughtful analysis of how far satisfaction or dissatisfaction with the work of the pastor or of the congregation leads to satisfaction or dissatisfaction with the effectiveness of the church as a whole. But her most important finding is that most laymen find satisfaction in their church not in proportion to its social effectiveness, but to the extent that it fosters personal religious life, "the traditional form of individual faith strengthened by communal worship." Apparently the Social Gospel is a deeply felt imperative only for the clergymen, at least in urban Lutheran churches. "Action on social problems," Miss Seger concludes, "is not necessary to a congregation's satisfaction with itself."

Many more studies like this are needed before we can come to any clear notion about the role of religion in contemporary American society. The Bedminster Press is to be congratulated for making this valuable Ph.D. dissertation accessible to the public.

ROBERT D. CROSS

COLUMBIA UNIVERSITY

The Privacy Invaders. By MYRON BRENTON. New York, Coward-McCann, 1964.—240 pp. $4.95.

The Naked Society. By VANCE PACKARD. New York, David McKay, 1964.—xii, 369 pp. $5.95.

In scope and tone, these two books are much alike. Mr. Packard's work has been much more widely remarked and sold, and its greater public success is deserved, for he has made the better effort to grapple with the problems that both survey. But he and Mr. Brenton alike are exponents of the point-with-horror style of social journalism, and in each case the fruits of their labors are partly spoiled by a racing, grasping, what-will-they-think-of-next manner which may profoundly irritate a reader

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who is seriously concerned with privacy, security, and related matters.

Nevertheless, the appearance in print of these studies is greatly to be welcomed, for the social dangers they descry are very real and far too seldom heeded. The techniques of surveillance are developing and their uses spreading with alarming rapidity. Much has been written about the excesses sometimes perpetrated by the police and other governmental investigative agencies. Perhaps the most signal service rendered by these books is their demonstration that private commercial enterprises are relying more and more on surveillance of their employees and customers, and that their activities in this area may well be or soon become the greater danger to the relaxed individualism that has long been part of the Anglo-American tradition.

Job-seekers subjected to lie-detector tests; employees scruntinized by hidden cameras to check pilfering; microphones in washrooms; swarms of investigators button-holing the apartment-house super or next-door neighbors to check on "character," and calling the bank for a credit tip—these are part of the furniture in the chamber of horrors depicted in these pages. The mass of evidence is frightening, and the details often sickening. But what is to be done? The merchant who is asked to extend credit and the company asked to insure a life are surely entitled to reconnoitre the risk. Thievery by employees is a growing scandal. The needs of industrial and national security are by no means imaginary.

Mr. Brenton's conclusions are vague and chiefly hortatory. He puts little faith in laws and courts, and sees small hope for betterment short of "the return to a fundamental respect for privacy —our own and other people's" which will lead "us all to stand defiant on our thresholds" (p. 237). In essence, he offers up a prayer but no program.

Mr. Packard is not content to leave us at the mercy of our own bootstraps. In the industrial field, he points to the responsibilities of labor unions: "Unions in general have been so preoccupied with meat-and-potatoes issues in the past that they have paid too little attention to trends in the modern work-world that are operating to undermine individual privacy and human dignity" (p. 67). Certainly washroom microphones and indiscriminate use of lie detectors (the reliability of which both authors question) are fit subjects for employees to deal with in an organized way.

The last quarter of Mr. Packard's book is devoted to matters (not so much touched by Mr. Brenton) such as congressional investigations, and problems of search and seizure involved in

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wire-tapping and other types of electronic police investigation. In a penultimate chapter, Mr. Packard puts forward various suggestions for legislature and judicial reform in this area. These are interesting and thought-provoking, but for the most part they are not new. Mr. Packard's views appear to parallel those of the American Civil Liberties Union and of lawyers and publicists such as Allen Barth and Edward Bennett Williams who are strong protagonists of individual rights and libertarian standards.

While Robert Kennedy was Attorney General, the Department of Justice sponsored a bill to authorize wire-tapping by state and federal police, subject in all cases (except sedition, espionage, and sabotage) to prior approval by court orders, issued by federal or state judges as the case might be. Mr. Packard would ban wire-tapping and other electronic surveillance completely in all cases *except* sedition, espionage, and sabotage, and apply the court order requirement to these special categories.

Resort to the courts for protection against surveillance abuses has many protagonists but, in this reviewer's opinion, there are weighty legal and practical objections.

In the first place, as Mr. Packard acknowledges (p. 321), search warrants are issued to seize smuggled, stolen, or otherwise unlawfully-possessed goods, and cannot validly be issued to obtain mere evidence. Mr. Packard seeks to avoid this problem by labelling the court's action an "order" rather than a "warrant," but the limits of the Fourth Amendment cannot be so easily circumvented. A skunk by any other name, etc.

In the second place, federal courts are supposed to deal with "cases and controversies," and it is hard to fit supervision of police surveillance into these categories. The state courts, to be sure, are not so limited, but Mr. Packard's proposals (unlike those of the Department of Justice) involve exclusive reliance on the federal judiciary.

But even if these legal objections might be overcome, it is highly questionable that the courts would be able to exercise effective control of police surveillance. Applications for permissive orders would be made and heard *ex parte* on the basis of police representations, which the courts have neither time nor resources to check and evaluate. There would be great danger that the procedure would end in a lot of useless and undignified judicial rubber-stamping.

Sound or unsound, however, it is useful to have these proposals aired and discussed. Perhaps in time to come privacy will not be highly valued, and surveillance will be tolerated far beyond its present limits. If it is desirable to check such a trend

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and preserve the values that most of us now cherish, we will do well to read one or both of these books and ponder the issues they pose.

TELFORD TAYLOR

COLUMBIA UNIVERSITY SCHOOL OF LAW

BOOK NOTES

The theme of *Executive Reorganization and Reform in the New Deal: The Genesis of Administrative Management, 1900–1939* (Cambridge, Mass., Harvard University Press, 1963; xv, 292 pp., $5.95) by Barry Dean Karl is stated concisely in its concluding pages: "The work of the President's Committee on Administrative Management was more a summary of the years which had preceded it than many of its observers were quite able to admit" (p. 264). The intellectual roots of the Committee's report are traced back to reform movements of the late nineteenth and early twentieth centuries. Then, principally by means of brief biographical sketches of the three members of the committee—Louis Brownlow, Luther Gulick, and Charles E. Merriam—Professor Karl tries to show how values and trends already strongly established in American political life and in the committee members' own careers and philosophies were applied to the problems of reorganizing the presidency to meet changing social and economic conditions. Whether or not they were aware of it, Professor Karl argues, Brownlow, Gulick, and Merriam were children of their times and products of their cultural heritage.

Although the argument, stated (perhaps too simply) in these terms, seems to labor the obvious, one cannot fault a scholar for seeking concrete evidence for propositions widely assumed to be true; in this way, invalid beliefs are often exposed. But I do find quite strained the characterization of the report of the President's Committee as a quest for traditional reform values—honesty, integrity, efficiency, economy. If that were all it stood for, it would by now have disappeared into the dim recesses of the archives in which most reformers' tracts now lie forgotten. What distinguishes the work of the committee, and elevates its report to a prominent place among the documents of American government,

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is its emphasis on the need for political leadership in the formation and execution of public policy. It did not concentrate on proposals for preventing scandals; it did not stress reductions in public expenditures; it did not focus on governmental costs. Rather, it took uncoordinated action to be the main enemy, and selected the president as the only instrument for overcoming that foe. It did not recommend isolation of administration from politics, as did the municipal reform tracts with which Professor Karl tries to link it; on the contrary, it urged that control of administration be vested in the most political office in the government.

To be sure, the rhetoric of the report is reminiscent of traditional reform. The substance, however, breaks sharply with that anti-political doctrine. Had Professor Karl applied his analysis to the reports of the Hoover Commissions, his case might have been more persuasive. Applied to the Committee on Administrative Management, it seems to me to miss by a wide margin the full significance of an outstanding manifesto in the unending war we call legislative-executive relations.—HERBERT KAUFMAN, Yale University.

Professor Raymond J. Saulnier in *The Strategy of Economic Policy* (New York, Fordham University Press, 1963; xi, 81 pp., $3.00) says that our national purpose is to "provide the greatest possible opportunity for self-directed personal development and fulfillment consistent with the parallel rights of others." This purpose can best be achieved, he feels, in a competitive market economy based on private property. Dr. Saulnier stresses private rather than government initiative, and state and local rather than federal government action. However, he overlooks the fact that private initiative and state and local governments have failed to solve the problems of the Negroes, who constitute roughly ten per cent of our population. Two-thirds of them still live in the South under an evil system in which a dominant white society rules. Negro citizens are treated callously with respect to employment and housing, and ninety per cent of their children are still in inferior segregated schools. The control of private businesses and state and local governments by the white power structure perpetuates the system. The federal government has often been the only constructive force. Professor Saulnier comments favorably on the Employment Act of 1946 and its goal of "rising levels of production, employment, and income," and proposes an Economic and Financial Council which would parallel in these fields the work of the National Security

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Council in defense. Further, he feels that price stability and permanent tax cuts can stimulate growth. Wage increases well within productivity increases, and reduced government spending are advocated to stem inflation. For countering recessions the author is skeptical of construction projects and tax cuts (especially temporary ones). His able exposition of many of our major economic problems, in developing a consistent strategy for long-range policy-making, is thought-provoking.—LEONARD R. BURGESS, Texas A&M University.

This slender volume on *The Negro Church in America* (New York, Schocken Books, 1963; xii, 92 pp. $3.50) is an excellent retelling and interpretation of the story by E. Franklin Frazier. In an essay that is part history and part sociology, Frazier describes the emergence of the Negro church out of slavery, its relationships to the family, economics, politics, and education, and its changes as a result of Negro migration to cities. The author wisely emphasized the crisis precipitated by the urbanization process. His interpretation is broadly functional, for the church is examined in light of its impact on the institutions of a disprivileged group and on the adjustments of relatively powerless individuals. The book is based on the Frazier lecture delivered at the University of Liverpool in 1953. Although there are scattered references to recent events, the major emphasis is on the early history of the Negro church and its developments until about 1945. The most original part of the work deals with the origins of a separate church and its growth in the decades immediately following emancipation. The role of the Negro church in the current civil rights movement and the rise to prominence of such contrasting forces as the Southern Christian Leadership Conference and the Black Muslims are, unfortunately, not dealt with. Professor Frazier was working on proofs for this volume when he died in 1962. It thus stands as the final book from the hand of one of America's finest students of Negro life and culture.—J. MILTON YINGER, Oberlin College.

The American reaction to the Teapot Dome scandals of the nineteen-twenties has been conventionally described as apathetic. Weary of progressive muckraking, Americans turned a deaf ear to Senator Thomas Walsh and his committee's revelations. Burl Noggle, *Teapot Dome: Oil and Politics in the 1920's* (Baton Rogue, La., Louisiana State University Press, 1962; ix, 234 pp. $6.00), attempts to revise the generally accepted interpretation.

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Noggle argues that the "crux of Teapot Dome's history lay in the 1924 election" and that the scandal played a large part in eliminating William Gibbs McAdoo as a candidate for the Democratic nomination. Though carefully researched and generally well written, the book proves nothing of the kind. In fact, it ends by supporting generally accepted explanations. "Race and religion were the prevalent issues in the grievous party strife that raged for twenty-nine sessions in Madison Square Garden." "It seems clear that Teapot Dome, despite Democratic exertions, was only one, and perhaps even a relatively minor, influence in the election." Despite Noggle's inclination to exaggerate the political importance of Teapot Dome, he has made a valuable contribution; his book is the most detailed and accurate account of the scandal to date, and it helps fill a gap in our knowledge about the Democratic and Republican parties in the twenties.—ROBERT DALLEK, University of California, Los Angeles.

Swedes and Danes kill themselves at a pace equalled only by the Swiss, the Germans, and the Japanese. Despite obvious cultural similarities, the rate of suicide in Norway is only one third as high. Herbert Hendin, an American psychoanalyst, undertook to illuminate this phenomenon through intensive clinical studies of small samples of suicidal patients in Copenhagen, Stockholm, and Oslo. As the author makes clear in *Suicide and Scandinavia* (New York and London, Grune and Stratton, 1964; xii, 153 pp., $4.75) there are many motivations for self-destruction; nevertheless, he finds a surprising degree of homogeneity within each of his three groups and also characteristic differences between them. These differences appear consonant with certain distinctive impressions of national character which Hendin is able to synthesize from other interview material, from an ingeneous analysis of national preferences in cartoon and magazines stories and the like, and which in turn he is able to relate to differences in child-rearing practices.

Hendin is not guilty of the tendency some psychoanalytic writers have toward simplistic or monolithic explanation. His reasoning is clear and sensible, unadorned with the usual jargon, and suggests a full appreciation of the complexities of the human condition. He has perhaps a too jaundiced view of the usefulness of objective research in this type of problem; the example he cites hardly represents the best of modern psychometric practice. Hendin's own arguments would have benefited from an objective presentation of his detailed observations so that the credence one gives to his conclusions would not depend so heavily

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upon one's faith in his clinical skill and perspicacity; it is notorious that even the most insightful and honest of investigators may have no difficulty supporting nearly any hypothesis by selective sampling from among the rich complexities of personality, individual or national. Clinical research, of which that is a fascinating and valuable example, properly yields not conclusions at all but rather insights, new concepts, and hypotheses. It remains for subsequent investigators, stimulated and directed by these findings and equipped with the tools of objective social or behavioral research, to translate Hendin's contributions from the context of discovery into the context of verification.—DAVID T. LYKKEN, University of Minnesota.

Yearbook of the United Nations, 1962. (New York, Columbia University Press in Cooperation with the United Nations, 1964; xii, 783 pp., $16.50) follows the patterns of volumes of recent years. A comparison with the 1961 *Yearbook* reveals only one change of some importance—the omission of the folded sheet inside the back cover showing the flags of United Nations members. Those interested in identifying the flags of independent states, a task that has become much more difficult with the great proliferation of late of separate sovereignties, will miss this useful sheet of reference. This is, however, a minor detail when one considers the total product which in arrangement, choice of material to be included, and accuracy of detail is a work of which the editors can well be proud. Particularly useful for the serious student are the documentary references at the end of summaries. At a time when it seems to be popular to change format and content of periodicals (as witness the replacement of *United Nations Review* by *UN Monthly Chronicle*), it is to be hoped that the *Yearbook* will not suffer that treatment as it has achieved a highly satisfactory state in both respects.—LELAND M. GOODRICH, Columbia University.

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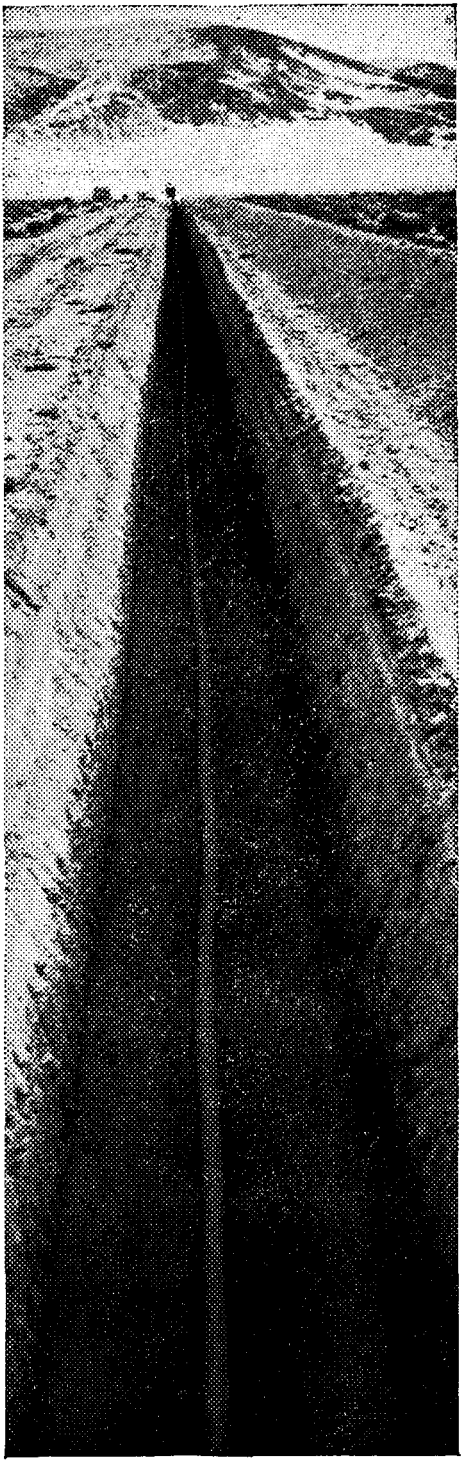

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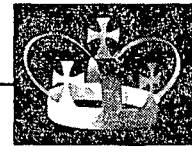
COLUMBIA  COLUMBIA

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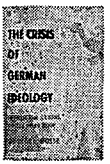

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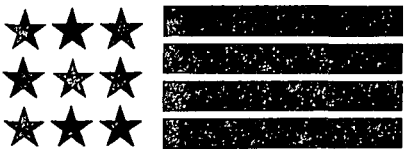

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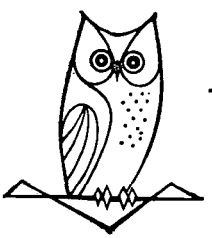

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